

1 WISE - DEPT. COLLOQUYRECT

2 who? THE COURT: Yes.

3 MR. MOORE: I would be prepared to
4 call, at this time, to the stand Kharey
5 Wise. THE COURT: Eddie?

6 K H A R E Y THE WITNESS, the Defendant, having been
7 called as a witness in his own behalf, being
8 first duly affirmed to tell the truth,
9 testified as follows: after that?

10 DIRECT EXAMINATION a pair of detectives is up in the

11 BY MR. MOORE: they don't know what for. We heard

12 Q Now, Kharey, I'd like to take you back to
13 April 20th of this year, about 10 p.m. at night. So

14 me and Could you tell us where you were--on that
15 date and at that time? is going on.

16 A Downstairs. a time when you were

17 Q Downstairs where?

18 A In front of my building. I was in front of

19 Q What was your address?

20 A

21 Q Now, who were you with?

22 A I was with Yusuf Salaam.

23 Q I'm sorry?

24 A My friend, Eddie.

25 THE COURT: Excuse me, Mr. Salaam and

11/17/89

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1 WISE — DEFT WISE — DIRECT

2 officers, who? you recall?

3 A About THE WITNESS: Just Yusaf Salaam and

4 Eddie. white officers?

5 A Yes. THE COURT: Eddie?

6 Q And THE WITNESS: Yeah.

7 Q Would that be Eddie LaPaz?

8 A Yes, sir. — officers?

9 Q Now, what happened after that?

10 A We see a pair of detectives go up in the
11 building, but they don't know what for. We heard
12 quite some time that a few officers been coming
13 around, picking up a lot of kids for this case. So
14 me and Yusaf went upstairs, decided to go upstairs
15 to see what's up, what's going on.

16 Q Did there come a time when you saw some
17 people on Yusaf's floor?

18 A Yes. When we stopped there, in front of
19 his doorstep, we seen a few officers.

20 Q How many officers did you see?

21 A I seen a few. At least four, five.

22 Q Now, were these white officers or black
23 officers?

24 A Both.

25 Q How many white officers, how many black

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WISE - DEFT WISE - DIRECT

officers, if you recall? say?

A About three: would like to see my Mom.

Q I Three white officers? scared.

A Yes: did he say?

Q And one black officer? went where you're

going? Yes. We're just going to take you for

question. Were these big officers? he said.

A Yes, every big: when he said that, that he

needed you. Now, what happened after you saw the

officers? with him?

A They recognized all three of us and they looked at Yusaf and they asked Yusaf what's his name. Yusaf called his name, Yusaf Salaam.

Q Did they say anything to you? to go to the

A The officer asked me what's my name.

Q What did you say?

A I said Kharey Wise.

Q And what did he say? he said

A He said, "Kharey Wise?" I said, "Yes, sir." He said, "Come over here." I said, "Yes." Me and Yusaf went over to the officer.

Q What did he say?

A He said would you like to come with us to the station for questioning?

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1 WISEWISE-7DEFTWISE-REDIRECT

2 Q And what did you say? And to go with him. I

3 A I said, "I would like to see my Mom first
4 before I go anywhere." I was scared. When these
5 officers What did he say? He?

6 A He said, "You need no parent where you're
7 going. Now we're just going to take you for
8 questioning, and we bring you right back." then just
9 Q And at this time when he said that, that he
10 needed you for questioning, did you feel that you
11 had to go with him? At?

12 A Yes. MS. LEDERER: Objection. argument with
13 THE COURT: I'll let him state what
14 his mind was. Objection. Move to

15 Q Did you feel you were compelled to go with
16 the officer?

17 A Yes.

18 Q Did you feel --

19 THE COURT: Let him tell you what his
20 state of mind was.

21 Q Explain your state of mind.

22 A I never been through this before.

23 THE COURT: What?

24 THE WITNESS: I never been through
25 this before, and when he told me, it feel

11/17/89

77-11-fr

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WISE -- DEFT WISE -- DIRECT

1 like I had no choice but to go with him. I
 2
 3 officer couldn't refuse him.

4 Q Now, did there come a time when these
 5 officers took you somewhere?

6 A Took us downstairs.

7 Q How did they take you?

8 A They didn't take us in handcuffs, they just
 9 took us downstairs. Yusaf Salaam's sister had an
 10 argument with the officer.

11 Q You said what?

12 A Yusaf Salaam's sister had an argument with
 13 the officers.

14 MS. LEDERER: Objection. Move to
 15 strike it as not responsive.

16 THE COURT: Yes.

17 Q Did there come a time when the officers
 18 took you somewhere?

19 A They took us downstairs in a police car.

20 Q And did they take you to a precinct?

21 A Yes.

22 Q When you arrived at the precinct, what
 23 happened?

24 A They put me and Yusaf in two separate
 25 rooms, and he put me in a question room.

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NYCLD_006989

P-APP002232

1 Eric Reynolds

2 than one. I'm not sure.

3 Q. What did any of the ones you
4 received say?

5 A. They had a pickup of an assault on
6 a male.

7 Q. What part of the park was that?

8 A. The north end part.

9 Q. The north end part?

10 A. The northern part.

11 Q. The same area you were canvassing;
12 is that correct?

13 A. I believe so, yes.

14 Q. After you heard that, what did you
15 do?

16 A. We canvassed the park.

17 Q. Did you ever have an occasion to
18 meet Alvarez, did you go and meet him or what?

19 A. Yes.

20 Q. Where was that?

21 A. That I don't recall.

22 Q. That was in the park, correct?

23 A. Yes.

24 Q. That was in the northern end of the
25 park, correct?

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1 Eric Reynolds

2 A. Yes.

3 Q. Was he alone or was there somebody
4 with him?

5 A. I believe he had a complainant in
6 the car.

7 Q. Was it a male complainant or female
8 complainant?

9 A. Male.

10 Q. Do you know the condition of the
11 male as you observed the male, was the male
12 bleeding?

13 A. I don't recall.

14 Q. And how long -- that was
15 approximately what time?

16 A. Again, I don't recall.

17 Q. Could it have been around ten
18 o'clock?

19 A. I don't, again, I don't recall.

20 Q. And how much time did you spend
21 with Alvarez when you and your partner arrived?
22 After you arrived, how much time did you spend
23 there after you departed?

24 A. It couldn't have been more than
25 five minutes.

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1 Eric Reynolds

2 Q. Five minutes, all right. And after
3 you left, you continued canvassing the northern
4 end of the park; is that correct?

5 A. Yes.

6 Q. And you still didn't see any group
7 of males; is that correct?

8 A. That's correct.

9 Q. Your supervisor, was his name
10 Sergeant Lail?

11 A. Yes.

12 Q. He was the anticrime supervisor,
13 correct?

14 A. Yes.

15 Q. Did there come a time you got a
16 call from Sergeant Lail?

17 A. Yes.

18 Q. And you got a transmission from
19 Sergeant Lail, what did it say?

20 A. I believe he had a possible
21 suspect.

22 Q. Possible suspect, okay. And where
23 did he say he had those possible suspects?

24 A. I believe it was a playground at
25 West 100th Street.

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NYCLD_057665

P-APP002235

Page 61

1 Eric Reynolds

2 Q. Would that have been near Central
3 Park West?

4 A. Yes.

5 Q. So it was a playground near west
6 100th Street, it was still within the park; is
7 that correct?

8 A. Yes, that's correct.

9 Q. So that you and your partner, did
10 you go there to the playground to meet Sergeant
11 Lail?

12 A. Yes.

13 Q. And where were you at the time,
14 where were you in the park at the time you got
15 the communication from Sergeant Lail?

16 A. I don't recall that.

17 Q. You don't recall that?

18 A. No.

19 Q. You were just somewhere in the
20 northern end; is that correct, in the northern
21 end of the park, right?

22 A. I believe so, yes.

23 Q. Approximately how long did it take
24 you to reach Sergeant Lail at the playground?

25 A. I don't recall. It wasn't long.

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NYCLD_057666

P-APP002236

Page 62

1 Eric Reynolds

2 Q. It wasn't long?

3 A. No.

4 Q. When you got to the playground, was
5 Sergeant Lail present?

6 A. Yes.

7 Q. Who else was present?

8 A. Officer Hennigan.

9 Q. Officer Hennigan?

10 A. Yes.

11 Q. And Officer Hennigan is a female;
12 is that correct?

13 A. That's correct.

14 Q. And any other police officers
15 present?

16 A. Police Officer Alvarez was present.

17 Q. Alvarez was present, okay.

18 And did Alvarez have the victim
19 whom you had seen earlier with Alvarez in his
20 patrol car in the playground?

21 A. Yes.

22 Q. And were there any other people,
23 other than those people, present in the
24 playground?

25 A. Other than the police officers you

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P-APP002237

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1 Eric Reynolds

2 mean?

3 Q. Yes.

4 A. People that Sergeant Lail and
5 Officer Hennigan had stopped were there also.

6 Q. And how many of those people were
7 there?

8 A. I don't recall.

9 Q. Was there a show of identification?

10 A. A showup was done.

11 Q. And was anybody identified of the
12 group you saw on the playground, other than the
13 police officers?

14 A. No.

15 Q. And so they were released; is that
16 fair to say?

17 A. Yes.

18 Q. That was at what, about maybe
19 10:15, 10:20, what?

20 MR. MYERBERG: Objection.

21 MR. WARREN: I'm asking the
22 question.

23 A. I don't recall the exact time.

24 Q. So after that happened, after these
25 individuals left, how much longer did you stay

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P-APP002238

1 Eric Reynolds

2 than one. I'm not sure.

3 Q. What did any of the ones you
4 received say?

5 A. They had a pickup of an assault on
6 a male.

7 Q. What part of the park was that?

8 A. The north end part.

9 Q. The north end part?

10 A. The northern part.

11 Q. The same area you were canvassing;
12 is that correct?

13 A. I believe so, yes.

14 Q. After you heard that, what did you
15 do?

16 A. We canvassed the park.

17 Q. Did you ever have an occasion to
18 meet Alvarez, did you go and meet him or what?

19 A. Yes.

20 Q. Where was that?

21 A. That I don't recall.

22 Q. That was in the park, correct?

23 A. Yes.

24 Q. That was in the northern end of the
25 park, correct?

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1 Eric Reynolds

2 A. Yes.

3 Q. Was he alone or was there somebody
4 with him?

5 A. I believe he had a complainant in
6 the car.

7 Q. Was it a male complainant or female
8 complainant?

9 A. Male.

10 Q. Do you know the condition of the
11 male as you observed the male, was the male
12 bleeding?

13 A. I don't recall.

14 Q. And how long -- that was
15 approximately what time?

16 A. Again, I don't recall.

17 Q. Could it have been around ten
18 o'clock?

19 A. I don't, again, I don't recall.

20 Q. And how much time did you spend
21 with Alvarez when you and your partner arrived?
22 After you arrived, how much time did you spend
23 there after you departed?

24 A. It couldn't have been more than
25 five minutes.

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P-APP002240

Page 60

1 Eric Reynolds

2 Q. Five minutes, all right. And after
3 you left, you continued canvassing the northern
4 end of the park; is that correct?

5 A. Yes.

6 Q. And you still didn't see any group
7 of males; is that correct?

8 A. That's correct.

9 Q. Your supervisor, was his name
10 Sergeant Lail?

11 A. Yes.

12 Q. He was the anticrime supervisor,
13 correct?

14 A. Yes.

15 Q. Did there come a time you got a
16 call from Sergeant Lail?

17 A. Yes.

18 Q. And you got a transmission from
19 Sergeant Lail, what did it say?

20 A. I believe he had a possible
21 suspect.

22 Q. Possible suspect, okay. And where
23 did he say he had those possible suspects?

24 A. I believe it was a playground at
25 West 100th Street.

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P-APP002241

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1 Eric Reynolds

2 Q. Would that have been near Central
3 Park West?

4 A. Yes.

5 Q. So it was a playground near west
6 100th Street, it was still within the park; is
7 that correct?

8 A. Yes, that's correct.

9 Q. So that you and your partner, did
10 you go there to the playground to meet Sergeant
11 Lail?

12 A. Yes.

13 Q. And where were you at the time,
14 where were you in the park at the time you got
15 the communication from Sergeant Lail?

16 A. I don't recall that.

17 Q. You don't recall that?

18 A. No.

19 Q. You were just somewhere in the
20 northern end; is that correct, in the northern
21 end of the park, right?

22 A. I believe so, yes.

23 Q. Approximately how long did it take
24 you to reach Sergeant Lail at the playground?

25 A. I don't recall. It wasn't long.

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P-APP002242

Page 62

1 Eric Reynolds

2 Q. It wasn't long?

3 A. No.

4 Q. When you got to the playground, was
5 Sergeant Lail present?

6 A. Yes.

7 Q. Who else was present?

8 A. Officer Hennigan.

9 Q. Officer Hennigan?

10 A. Yes.

11 Q. And Officer Hennigan is a female;
12 is that correct?

13 A. That's correct.

14 Q. And any other police officers
15 present?

16 A. Police Officer Alvarez was present.

17 Q. Alvarez was present, okay.

18 And did Alvarez have the victim
19 whom you had seen earlier with Alvarez in his
20 patrol car in the playground?

21 A. Yes.

22 Q. And were there any other people,
23 other than those people, present in the
24 playground?

25 A. Other than the police officers you

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P-APP002243

Page 63

1 Eric Reynolds

2 mean?

3 Q. Yes.

4 A. People that Sergeant Lail and
5 Officer Hennigan had stopped were there also.

6 Q. And how many of those people were
7 there?

8 A. I don't recall.

9 Q. Was there a show of identification?

10 A. A showup was done.

11 Q. And was anybody identified of the
12 group you saw on the playground, other than the
13 police officers?

14 A. No.

15 Q. And so they were released; is that
16 fair to say?

17 A. Yes.

18 Q. That was at what, about maybe
19 10:15, 10:20, what?

20 MR. MYERBERG: Objection.

21 MR. WARREN: I'm asking the
22 question.

23 A. I don't recall the exact time.

24 Q. So after that happened, after these
25 individuals left, how much longer did you stay

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P-APP002244

T1-1f

324

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q What are the duties of the Anti-Crime unit?

3 A That is to make arrests for any kind of
4 crimes in progress while working in civilian
5 clothes.

6 Q Does that mean you don't work in uniform?

7 A That's correct.

8 Q And that night of April 19, 1989, were you
9 working on foot, or were you in a vehicle?

10 A I was in a vehicle.

11 Q What type of vehicle were you in?

12 A It was a green Parks Department vehicle.
13 It was a van.

14 MR. MADDOX: I can't hear.

15 THE COURT: Green Parks Department
16 vehicle.

17 Q Did you work with a partner on that date?

18 A Yes, I did.

19 Q Who was your partner?

20 A Police Officer Powers.

21 Q Did there come a time on the evening of
22 April 19, 1989 that you heard a radio communication
23 regarding activity in Central Park?

24 A Yes.

25 Q At what time did you hear such a

10/13/89

T1-1f

325

1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 communication?

3 A It was approximately 9:30.

4 Q What was the radio communication that you
5 heard at that time?

6 A Disorderly males in the park, harassing
7 people.

8 Q When you heard that communication, was
9 there a communication give for where that this
10 orderly group was?

11 A It was approximately, I believe, the west
12 side of 100th Street.

13 Q Do you recall where you were when you heard
14 that?

15 A I believe I was on Central Park West headed
16 northbound.

17 Q Where did you go after you heard that
18 communication?

19 A The north end of the park.

20 Q Who was driving that night?

21 A Officer Powers.

22 Q When you say you went to the north end of
23 the park, where did you go?

24 A We went to the location specified. We went
25 in that area to canvas.

10/13/89

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P-APP002246

T1-1f

326

REYNOLDS - PEOPLE - DIRECT - LEDERER

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Q What area did you go to?

A The East Drive -- West Drive up on the north end, around 102nd Street.

Q Do you recall whether you went to the east side or the west side?

A I started at the west side, and went from the west to the east side.

Q Were you directed to go to the east side?

A Yes, I believe so, yes.

Q When you say you were canvassing the area, what does that mean?

A It means we were searching for people described in the radio run.

Q What route did you take to go to the location of the East Drive on 102nd Street?

A We went north on Central Park West and then into the park.

Q Where did you go into the park?

A I believe it was either 90th Street or 100th Street.

Q And when you entered the park, did you drive on the roadway or any of the paths?

A We did both. We traveled along the roadways, and then we went along some of the paths.

10/13/89

NYCLD_023072

P-APP002247

T1-1f

327

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q Did you arrive at the East Drive in the
3 area of 102nd Street?

4 A Yes.

5 Q What, if anything, did you see at that
6 location?

7 A Really nothing in the beginning.

8 Q Did you see anything resembling the
9 disorderly group?

10 A No.

11 Q Did you see any police vehicles?

12 A Yes.

13 Q Do you recall what you saw?

14 A I saw a couple -- several Central Park
15 Police vehicles and vehicles from the 23rd Precinct,
16 and the Manhattan North Task Force.

17 Q Were those marked radio cars?

18 A Yes.

19 Q Did you have a conversation with any of
20 those people?

21 A I had a couple of conversations, yes.

22 Q At that time when you first arrived, did
23 you speak to any of these people?

24 A We might have had a passing conversation,
25 you know, just asking if anybody had seen anything.

10/13/89

NYCLD_023073

P-APP002248

T1-1f

328

REYNOLDS - PEOPLE - DIRECT - LEDERER

MR. MADDOX: Object (inaudible).

THE COURT: Just tell us what conversation you had.

THE WITNESS: I asked if anybody had seen anything.

Q What did the people you spoke to say?

A Nobody had seen anything at that point.

Q The first communication you heard, did that give any kind of description in the park?

A I believe it was seven to eight males, the very first one.

Q Did it give any description, race?

A I believe it was male blacks.

Q Are you sure?

A I'm not quite sure.

MR. MADDOX: Objection, your Honor.

MR. RIVERA: Objection.

THE COURT: I will allow it.

Are you sure?

THE WITNESS: No, I'm not sure.

Q Did you hear any other radio communication after that first communication?

A Yes.

Q What was that communication?

10/13/89

NYCLD_023074

P-APP002249

T1-1f

329

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A That there were approximately, I believe,
3 20 to 30 male blacks harassing and assaulting people
4 in the park.

5 Q And do you recall at approximately what
6 time you heard that radio communication?

7 A Do you mind if I look at my notes to
8 refresh my memory?

9 THE COURT: If you have to, you may.
10 Just tell us what you are using to refresh
11 your recollection.

12 THE WITNESS: It is a piece of paper
13 that I wrote down with the, you know, the
14 times.

15 MR. BERMAN: Judge, if I may, this
16 speaker, even when there's no talking,
17 makes such a loud noise we can't hear your
18 Honor talking.

19 A It was about a quarter to ten.

20 Q And do you recall where you were when you
21 heard that communication?

22 A Well, I was in the north end of the park.
23 It might have been at 102nd Street and the East
24 Drive.

25 Q How long did you stay at 102nd Street and

10/13/89

NYCLD_023075

P-APP002250

T1-1f

330

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 the East Drive?

3 A Not long.

4 Q After you received that second
5 communication, where did you go?

6 A Again, we --

7 MR. MOORE: Objection.

8 THE COURT: No, I'll allow it.

9 Go ahead. He was with somebody, he
10 already said that.

11 A (Continuing) We started to ride around the
12 park again to do a further canvas.

13 Q What area of the park were you driving
14 around in?

15 A The north end.

16 Q Would you indicate did you drive on the
17 road or paths? Where did you go?

18 A We did both. We tried to concentrate on
19 the paths because we didn't see anything.

20 THE COURT: You can tell us where,
21 when you say "we" you are talking about
22 driving around in the car; but tell us only
23 what you saw, talking about what you saw
24 unless somebody said something. All right.

25 Q Did you see anything during the time that

10/13/89

NYCLD_023076

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T2-fr

331

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 you were driving around the north end of
3 the park?

4 A No.

5 Q When you referred to the north end of the
6 park, from what street north were you
7 canvassing?

8 A North of 96th Street.

9 Q Can you describe in a general way what
10 route you took?

11 A In canvassing?

12 Q Yes.

13 A We went through all the foot paths and --
14 you know, all the routes we could to go
15 through all the dark areas, and, you know,
16 part of the park that weren't visible.

17 Q At any time did you see anybody or any
18 group that resembled what you had heard on
19 the radio?

20 A In the beginning, no.

21 Q And did you hear any other radio
22 communications while you were canvassing
23 the north end of the park?

24 A Yes.

25 Q What was the next radio communication that

10/13/89

NYCLD_023077

P-APP002252

T2-fr

332

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 you heard?

3 A We got -- I heard our sergeant -- my
4 sergeant from Anti-Crime had a possible
5 group over at 100 Street and the West Drive
6 in the playground.

7 Q What is your sergeant's name?

8 A Sergeant Lyle.

9 Q What did you do when you heard that
10 communication?

11 A We responded to the area where he was.

12 Q Approximately what time was it that you
13 arrived at that playground?

14 A That was about a quarter to ten, 10:00.

15 Q Did you have a conversation with Officer
16 Alvarez at that location?

17 A Yes, I did.

18 Q Did he tell you whether he had seen
19 anything in the park?

20 A Yes.

21 Q What, if anything, did Officer Alvarez tell
22 you?

23 A He told me he saw a group of youths and
24 when they saw the radio car, they all ran.

25 Q Did he describe the number of the people in

10/13/89

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P-APP002253

T2-fr

333

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 the group?

3 A He said he saw about seven to ten of them.

4 Q Did he indicate that he had seen a larger
5 group?

6 MR. MOORE: Objection.

7 MR. RIVERA: Objection.

8 MR. JOSEPH: Objection.

9 MR. BURNS: Objection.

10 MR. DILLER: Objection.

11 MR. BERMAN: Objection.

12 MR. MADDOX: Objection.

13 THE COURT: Sustained. Let him
14 testify.

15 Q What else did he tell you about the people
16 he saw?

17 A He stated they were male blacks and
18 Hispanics and they were in their teens.

19 Q Did he tell you where he had seen the
20 group?

21 A I believe he said he saw them on the east
22 side.

23 MR. MOORE: Objection.

24 THE COURT: I'll let him answer.

25 Q Was he able to tell you whether it was in

10/13/89

NYCLD_023079

P-APP002254

T2-fr

334

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 or out of the park?

3 A He said it was inside the park.

4 Q Did he tell you what time it was that he
5 had seen them?

6 A That I don't recall.

7 Q Did he say anything about the gender or the
8 sex of the people he had seen?

9 A Yes, he said they were male blacks and
10 Hispanics.

11 Q Did you have a conversation -- withdrawn.

12 How long did you stay at the playground at
13 100 Street?

14 A Not long, just long enough to -- for the
15 show-up and to get a description from Police Officer
16 Alvarez and then we resumed canvassing.

17 Q Where did you go when you left that
18 location?

19 A Again we stayed in the north end and we
20 went through all the trails and the inaccessible
21 parts of the park.

22 Q How long did you drive around in the park?

23 A About another half-hour.

24 Q Did you hear another radio communication
25 after you had been at the playground where Sergeant

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REYNOLDS - PEOPLE - DIRECT - LEDERER

Lyle was?

A Yes.

Q What was the communication that you heard then?

A That there was a male jogger found beaten and bleeding profusely from his head.

Q Where was that -- was there a location with respect to where that jogger was found?

A Yes. That was 96th Street, I believe, approximately, and the West Drive off the reservoir.

Q Where were you when you got that communication, if you recall?

A I believe we were at the East Drive again and 102nd Street.

Q Did the communication given with respect to that jogger contain any information about any people?

A He stated there was a group of male Hispanics and Blacks who had assaulted the jogger.

Q Was there any further information about the assault?

A Yes, that they had fled north.

Q What, if anything, did you do after you heard that information?

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 or out of the park?

3 A He said it was inside the park.

4 Q Did he tell you what time it was that he
5 had seen them?

6 A That I don't recall.

7 Q Did he say anything about the gender or the
8 sex of the people he had seen?

9 A Yes, he said they were male blacks and
10 Hispanics.

11 Q Did you have a conversation -- withdrawn.

12 How long did you stay at the playground at
13 100 Street?

14 A Not long, just long enough to -- for the
15 show-up and to get a description from Police Officer
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18 location?

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20 went through all the trails and the inaccessible
21 parts of the park.

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25 after you had been at the playground where Sergeant

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REYNOLDS - PEOPLE - DIRECT - LEDERER

Lyle was?

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Q What was the communication that you heard then?

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A He stated there was a group of male Hispanics and Blacks who had assaulted the jogger.

Q Was there any further information about the assault?

A Yes, that they had fled north.

Q What, if anything, did you do after you heard that information?

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REYNOLDS - PEOPLE - DIRECT - LEDERER

A At that point I decided to leave the park and to start the canvas outside at Central Park West at 100 Street.

Q Where did you leave the park?

A We left at 100th Street and Central Park West.

Q Why did you leave the park at that time?

A Because I felt that the group was no longer in the park. We had canvassed for quite a while and the entire park was saturated with police vehicles.

Q Did you see other vehicles in the park other than those you refer to at the East Drive and 102nd Street?

A Other than what I described earlier?

Q During the time you were canvassing the park, other than what you already told us at the East Drive and 102nd Street, did you see any other police vehicles in the park?

A Just what I mentioned.

Q And when you were canvassing the north end of the park, did you see any sign of other police vehicles?

A Yes.

Q What did you see?

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REYNOLDS - PEOPLE - DIRECT - LEDERER

A As I was going through the fields, I could see further north of me the headlights of the other vehicles going back and forth also in search for the group.

MS. LEDERER: With the permission of the Court, I'd ask the witness to please step down and approach People's 7 in evidence.

(Witness complies)

Q Would you please point on People's 7 in evidence and describe as you do, what area you're possibly pointing to, indicate where you were traveling and where you would see the other lights from other vehicles?

A We saw the other lights --

THE COURT: Excuse me, Officer, I have to remind you to speak as loud as you can because everybody over on this side has to hear you, and it is very difficult in this courtroom.

THE WITNESS: Okay.

I saw headlights from the other police cars going east and west across the ballfields here on the north end. I was

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 south of them and I could see them -- I
3 could see that the ballfields in this area
4 was pretty well saturated with police cars
5 and there was probably no group in there
6 because somebody would have seen --

7 MR. MADDOX: Also describe the area
8 that he just referred to on the map.

9 THE COURT: Yes, if there is some
10 legend on that map that describes the area
11 that you're in, please tell us what it is.
12 I see there is some writing on that map.
13 If you could tell us what it was, the area
14 that you say you were driving in.

15 THE WITNESS: This is the north
16 meadow, and it contains several baseball,
17 softball, and a football field and we
18 again, like I said, I had seen several
19 radio cars going back and forth and they
20 pretty well had the whole area covered. If
21 there was any group in there --

22 MR. BURNS: Objection.

23 MR. MOORE: Objection.

24 THE COURT: Yes, don't speculate, just
25 tell us what you saw.

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 THE WITNESS: I saw the police cars
3 going back and forth and they had the area
4 well covered.

5 Q Where did you go --

6 MR. BURNS: I'm sorry. For the
7 record, the record should reflect the area
8 of the North Meadow.

9 THE COURT: He covered the whole area
10 of the North Meadow.

11 Q When you stated earlier that you decided at
12 this time to leave the park, will you point out the
13 route you took to enter the park?

14 A We left here at 100 Street, going west
15 towards Central Park West.

16 Q What time was it, approximately, when you
17 were leaving Central Park?

18 A It was approximately 10:30.

19 Q What, if anything, did you see as you left
20 Central Park at 100 Street?

21 A Okay. When we got to Central Park West at
22 100th Street, just north of us, between 101st Street
23 and 102nd, on the west side of the street, we saw a
24 group of about 10, 15, male blacks and hispanics.
25 They were teenagers.

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q What, if anything, did you do when you saw
3 that group?

4 A What we -- what I did was we started to
5 drive northbound towards them to get a better look
6 at the group.

7 Q What side of the street were they on?

8 A They were on the west side of the street.

9 Q And when you were driving, what side of the
10 street were you driving on?

11 A I was on the east side going northbound.

12 Q What, if anything, happened as you went
13 northbound on Central Park West approaching that
14 group?

15 A Well, we saw the group. They were all --
16 you know, walking together. We felt reasonably sure
17 that they didn't --

18 THE COURT: It's not what you felt.

19 THE WITNESS: I felt reasonably sure
20 they didn't know who we were.

21 MR. RIVERA: Objection.

22 MR. BURNS: Objection.

23 MR. MOORE: Objection.

24 MR. JOSEPH: Objection.

25 MR. MADDOX: Objection.

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REYNOLDS - PEOPLE - DIRECT - LEDERER

MR. DILLER: Objection.

MR. BERMAN: Objection.

THE COURT: I'll allow that. Go ahead.

THE WITNESS: At one point the group had stopped --

MR. RIVERA: I didn't hear the statement he didn't feel reasonably what?

THE COURT: Did not make out who they were.

Q Continue.

A The group at one point stopped and they all started to look our way and started to point at us in the van, and I couldn't understand why because nobody wouldn't really --

MR. MOORE: Objection.

THE COURT: Finish your answer.

THE WITNESS: Nobody generally makes who we were.

MR. MOORE: Objection.

THE COURT: Objection sustained.

Don't tell us what people generally do. Just tell us what happened here.

THE WITNESS: What I did was I looked

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REYNOLDS - PEOPLE - DIRECT - LEDERER

to our right and a marked police three-wheel scooter was on our right hand side and that's what panicked them.

MR. MOORE: Objection.

MR. MADDOX: Objection.

THE COURT: Sustained. Just tell us what you saw.

Q When you looked and saw in your sideview mirror a scooter, where was this scooter?

A Right alongside the van on my side. It was on the other side of us, from the group.

Q Who was on that scooter?

A Police Officer Flores.

Q What did you do when you became aware that Police Officer Flores was pulling up besides you?

A Well, I felt -- it looked like the group was going to run to me.

MR. MOORE: Objection.

MR. JOSEPH: Objection.

THE COURT: I'll allow it, go ahead. Finish.

THE WITNESS: And I told my partner to take the van and pull it up ahead of them to cut them off so we can stop them.

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q And did the van pull up?

3 A Yes.

4 Q Where did the van go?

5 A Okay. My partner pulled up the van to
6 102nd Street and CPW, Central Park West on the
7 southwest corner.

8 Q When you say the van was pulled up on the
9 southwest corner of 102nd and Central Park West, can
10 you describe exactly what position it was in in
11 relation to the sidewalk and the street of 102nd
12 Street?

13 A Okay. The van was facing west with the
14 headlights facing west towards the building. Then
15 my partner and myself got out of the van, we
16 identified ourselves. AT that point the group
17 started to run except for two. Those two were
18 Raymond Santana and Steve Lopez.

19 MR. MOORE: Not responsive to the
20 question.

21 THE COURT: I'll allow it.

22 Q When you say you got out of the van -- let
23 me just go back for a second. The van that you were
24 describing, what color is the van?

25 A Green.

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q Are there any windows in the back portion
3 of the van?

4 A In the back two doors -- I'm sorry, there
5 are no windows in it.

6 Q Are there any side panels?

7 A I don't believe so.

8 Q Does it have any insignia?

9 A Yes, Parks Department emblem on the front.

10 Q When the van pulled into the beginning of
11 102nd Street and Central Park West, you say you both
12 jumped out. What exactly did you say?

13 A We identified ourselves as police and we
14 told them not to run.

15 Q What happened when you said, "Don't run?"

16 A The group started to run.

17 Q And what did you do when the group started
18 to run?

19 A We got out of the van and we approached the
20 two defendants that had stayed on the corner.

21 Q And you just named the names of those two
22 people. Did you at the time that you stopped them
23 know their names?

24 A Not at that time, no.

25 Q What, if anything, happened when you

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 stopped those two?

3 A We placed them against the wall.

4 MR. MADDOX: Objection, Judge. He
5 didn't stop them. They were already
6 stopped.

7 THE COURT: Yes. Objection sustained.

8 Q What happened when you approached those
9 two?

10 A We placed them against the wall and
11 searched them.

12 Q Did you have your gun drawn when you got
13 out of the van?

14 A No.

15 Q When you say you placed them against the
16 wall, what exactly did you do?

17 A We gave them a pat down of their clothes in
18 case they had weapons on them.

19 Q Did you find any weapons?

20 A No.

21 Q What was the next thing that happened?

22 A My partner, Police Officer Powers and
23 Police Officer Flores chased the group.

24 Q Did the two people that you placed against
25 the wall, Raymond Santana and Steve Lopez, did

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 either of them say anything to you?

3 A Yes.

4 Q What, if anything, did they say to you?

5 A Let's see. Raymond Santana stated he had
6 just come from his girlfriend's house and didn't
7 state where or when.

8 MR. JOSEPH: Objection.

9 THE COURT: Don't tell us what he
10 didn't said. Just tell us what he did say.

11 THE WITNESS: Steven Lopez stated he
12 just came from the movies with his
13 girlfriend and they watched the movie
14 "Leviathan".

15 Q Did either of them say anything about the
16 rest of the group?

17 A They stated they weren't with the group and
18 Steven Lopez stated, I quote, "The group had talked
19 shit about ripping them off."

20 MR. MADDOX: I can't hear.

21 THE COURT: Who said that?

22 THE WITNESS: Steven Lopez.

23 THE COURT: Stated what?

24 THE WITNESS: They were not with the
25 group and the group had talked -- I quote,

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 "Talked shit about ripping them off."

3 Q When I asked you a moment ago did either of
4 those two people say anything with respect to the
5 rest of the group I believe your answer began, "They
6 said," could you tell us exactly what either one of
7 them said indicating by name what that person said?

8 MR. MOORE: Objection. Asked and
9 answered.

10 THE COURT: I'll allow it again.

11 THE WITNESS: They both stated that
12 they weren't with the group and they didn't
13 know any of the others that had run. They
14 stated that they were walking ahead of them
15 and --

16 MR. RIVERA: Objection, your Honor,
17 not responsive.

18 THE COURT: Yes, objection sustained.

19 Q Can you tell us what Raymond Santana said
20 to you when he was stopped at 102nd Street and
21 Central Park West?

22 A Raymond Santana said he wasn't with the
23 group and he had just come from his girlfriend's
24 house.

25 Q What, if anything, did Steven Lopez say at

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 that time?

3 A He stated he also was not with the group,
4 that he had just come from his -- he had just come
5 from the movies with his girlfriend and they watched
6 the picture "Leviathan" and he also stated, and I
7 quote, "Talked shit about ripping off -- ripping
8 them off."

9 Q Did you ask either Defendant Lopez or
10 Defendant Santana any questions?

11 A No.

12 Q When you saw this group, could you describe
13 how the group was in relation to the other members
14 of the group?

15 A The two --

16 MR. BERMAN: Object as to form.

17 THE COURT: What is your question?

18 Q When you saw the group walking on Central
19 Park West, would you describe the relation of the
20 group with one to the other?

21 A It was a homogenized group. They were
22 altogether and they were all walking northbound.
23 They were male Blacks, teenaged and Hispanics.

24 Q When you saw the group on the west side of
25 the street, approximately how much of the block was

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 taken up by the members of the group?

3 A Maybe a quarter of the block.

4 Q And where were Defendant's Lopez and
5 Santana, if you remember, in relation to the others
6 in the group?

7 A They were in the group because the group
8 was altogether.

9 Q What, if anything, happened after Lopez and
10 Santana made those statements to you?

11 A My partner, Police Officer Powers chased
12 the rest of the group with Police Officer Flores.

13 Q Where did you see him go?

14 A I saw him running southbound on Central
15 Park West and then west on 101st Street.

16 Q Did you see where he went when he turned
17 onto that street?

18 A When he turned west, I lost sight of him?

19 Q Officer Reynolds -- I'm sorry --

20 A And then I saw him again running back east
21 and the group was ahead of him and they ran into the
22 park, and he ran into the park after them.

23 Q Approximately how much time elapsed between
24 the time you saw him disappear from your sight going
25 down the street until you saw the group coming back

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 with him, chasing?

3 A Just seconds.

4 Q Did you then see Officer Powers -- go into
5 the park?

6 A Yes, I saw him run and jump over the wall
7 into the park after the defendants.

8 MR. MADDOX: Objection to "after the
9 defendants."

10 THE COURT: Yes, Objection sustained
11 as to "after the defendants."

12 Q Did you see how many people were running in
13 front of Officer Powers?

14 A It looked to be about ten.

15 Q And you said that they entered the park, do
16 you know where it was that they entered the park?

17 A It was over the wall and at Central Park
18 West and 101st Street, between 101st and 100.

19 Q And is that where you saw Officer Powers
20 enter the park?

21 A Yes.

22 Q Let me just stop you for a moment. The
23 area on Central Park West, near 101st and 102nd, to
24 your knowledge are there any movie theaters in that
25 area?

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A No, there isn't.

3 Q Are there any community centers in that
4 area?

5 A No.

6 MR. MADDOX: Judge, may I ask if he
7 could repeat the question and answer?

8 THE COURT: Read the question and
9 answer back, please.

10 (Reporter complies)

11 Q Are there any stores on Central Park West
12 in that area?

13 A No. There's just a grocery store further
14 down, but it's very small north of where they were.

15 Q After you lost sight of Officer Powers when
16 he went into the park, what was the next thing that
17 happened?

18 A I stood on the corner with Raymond Santana
19 and Steven Lopez.

20 Q Did you handcuff them?

21 A No.

22 Q And where was the van?

23 A The van was right where we left it on 102nd
24 Street and Central Park West.

25 Q Did either of them say anything further to

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 you?

3 A They just kept stating that they were not
4 with the rest of them.

5 Q When you say they kept saying that, who
6 kept saying that?

7 A Steve Lopez and Raymond Santana.

8 Q And did you ask them any questions?

9 A No.

10 Q Did you have your radio with you?

11 A Yes, I did.

12 Q Did you hear communications coming over the
13 radio?

14 A Yes.

15 Q Did there come a time when someone came to
16 where you were with Santana and Lopez?

17 A Yes.

18 Q Approximately what time was that?

19 THE WITNESS: May I look at my notes
20 to refresh my memory?

21 THE COURT: If you have to.

22 (Witness peruses notes)

23 A It was approximately a quarter to eleven.

24 THE COURT: And what happened at about
25 a quarter to eleven?

10/13/89

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REYNOLDS - PEOPLE - DIRECT - LEDERER

THE WITNESS: Sergeant Wheeler and Police Officer Morales pulled over after the call over the radio for a unit to pick up the two.

Q What happened when they responded?

A They responded over and we placed them into the car.

Q Placed whom in the car?

A Steven Lopez and Raymond Santana.

Q And what did you do at that point?

A I went with Police Officer Powers into the van, and we drove back to 100 Street and Central Park West to confer with our sergeant.

Q When Raymond Santana and Steve Lopez were put in the car with the sergeant, did you see where they went?

A They went to 100 Street and Central Park West.

Q And when you arrived at 100 Street and Central Park West, were Raymond Santana and Steve Lopez there?

A Yes.

Q Were they in the car or outside of the car?

A They were in the car.

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T3-1f

354

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q And at what corner of that intersection
3 were you at?

4 A The northeast corner.

5 Q When you arrived at that location, who did
6 you arrive with?

7 A Police Officer Powers.

8 Q And who was already at that location?

9 A Sergeant Lyle and Police Officer Hennigan
10 and the other officers.

11 Q And did you see anybody in custody other
12 than Raymond Santana and Steve Lopez?

13 A Yes.

14 Q Who did you see at that time?

15 A I saw Kevin Richardson, Lamont McCall and
16 Clarence Thomas.

17 Q Where did you see them?

18 A In the back of the radio car.

19 Q Were all three in the same radio car?

20 A I believe so. I'm not sure.

21 Q Was there a discussion at 100 Street and
22 Central Park West?

23 A Yes, there was.

24 Q And what was the nature of the conversation
25 had there?

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T3-1f

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REYNOLDS - PEOPLE - DIRECT - LEDERER

A I discussed with our sergeant -- I was told that three of the defendants had made statements.

MR. MOORE: Objection.

THE COURT: I will allow it.

A I was told three defendants had made statements placing themselves at the attack of Mr. Loughlin at 96th Street.

Q Who told you that?

A I was told that by Police Officer Powers and Sergeant Lyle.

Q And at that time was there a discussion at 100 Street and Central Park West?

A Yes.

Q Was there a discussion about doing a show-up?

A Yes.

Q And was a show-up conducted with John Loughlin at that time?

A No.

Q How long did you stay at 100 Street and Central Park West?

A I'd say about ten minutes; ten, fifteen minutes.

Q During that time were you out of the van or

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T3-1f

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 were you in the van?

3 A I was out of the van.

4 Q And at any time while you were at that
5 location, were you in a car with any of the people
6 that had been taken into custody?

7 A No, I wasn't.

8 Q What was the next thing that happened?

9 A We drove to the Central Park Precinct.

10 Q When you say "we drove" how did you get to
11 the Central Park Precinct?

12 A I went in the green Parks Department
13 vehicle.

14 Q Did anyone ride with you?

15 A Yes, Police Officer Powers.

16 Q Did you see where Raymond Santana and Steve
17 Lopez were at the time you left 100th Street and
18 Central Park West?

19 A They were in the radio car, I believe, with
20 Sergeant Wheeler.

21 Q And the other three people you mentioned,
22 where were they?

23 A I believe they were with another set of
24 officers. I don't recall specifically who it was.

25 Q Were any of those five people taken out of

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NYCLD_023102

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T3-1f

357

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 the car at 100 Street and Central Park West?

3 A I don't believe so, no.

4 Q How long did it take you to get from 100th
5 Street and Central Park West to the Central Park
6 Precinct?

7 A I'd say about five minutes.

8 Q And what did you see -- withdrawn.

9 What time was it that you arrived at the
10 Central Park Precinct?

11 A It was approximately 12:00.

12 Q I'm sorry.

13 A Approximately 12 midnight.

14 Q Are you sure it was midnight when you
15 arrived?

16 (Whereupon all Defense Counsel made an
17 objection to the question by the District
18 Attorney.)

19 THE COURT: The objection is
20 sustained.

21 Q What did you do when you arrived at the
22 Central Park Precinct?

23 A We brought the defendants in front of the
24 desk.

25 Q And what time did you bring the defendants

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T3-1f

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 before the desk?

3 A I believe -- may I refresh my memory with
4 my notes?

5 THE COURT: If you have to.

6 MR. MADDOX: When he says "defendants"
7 could he refer to who he was talking about?
8 Some are not defendants.

9 THE COURT: Okay.
10 If you can, give us the names of the
11 people you are talking about.

12 THE WITNESS: All right.

13 A That was about six minutes after eleven.

14 Q And what happened six minutes after eleven?

15 A They were brought to the station house.

16 THE COURT: They being?

17 THE WITNESS: Clarence Thomas, Lamont
18 McCall, Kevin Richardson, Steven Lopez, and
19 Raymond Santana.

20 Q Were they at the stationhouse when you
21 arrived, or did they arrive when you were already
22 there?

23 A I think we got there around the same time.
24 I don't recall exactly who got there first. It was
25 very close in time, though.

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T3-1f

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q And what happened in front -- what did you
3 do when you went in front of the desk?

4 A What I did was gave their names, addresses
5 and ages to the desk officer so he could enter it
6 into the blotter.

7 Q Did you have a conversation with anyone
8 when you arrived at the Central Park Precinct?

9 A Yes, I did.

10 Q Who did you have a conversation with?

11 A I had a conversation with one of the
12 detectives; two of them.

13 Q To whom did you speak?

14 A Detective Nugent and Detective Gonzalez.

15 Q What did you say to them and what did they
16 say to you?

17 A I stated what happened; that I arrested
18 five youths for assaulting a jogger in the Park.
19 And that was pretty much it. We returned them to
20 the Youth Room.

21 Q How long were they before the desk?

22 A I'd say about ten minutes.

23 Q Was anyone with you and with them before
24 the desk sergeant?

25 A Yes.

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T3-1f

360

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q Who was that?

3 A My partner was there, Police Officer
4 Powers; Police Officer Hennigan, Sergeant Lyle and
5 the detectives might have come out also.

6 Q After you were before the desk with those
7 five people that you have named, where did you go?

8 A We took them, I believe, we took them to
9 the juvenile room.

10 Q Officer Reynolds, if you would, please look
11 at what has been received in evidence as People's 1.
12 Do you recognize what that is?

13 A Yes.

14 Q What do you recognize that to be?

15 A It is a layout of part of the Central Park
16 Precinct.

17 Q What part of the precinct is depicted in
18 that diagram?

19 A One is the Community Affairs office, and
20 the other is our muster room.

21 Q And where is the Youth Room in People's 1?

22 A Do you want me to point it out?

23 Q If you would, please.

24 MR. BERMAN: The testimony was it was
25 the Juvenile Room.

10/13/89

1 T-1 Reynolds-Ppl-direct 798
2 dome light?
3 A On any of the police cars?
4 Q Yes.
5 A Not that I recall, no.
6 Q And while you were driving around, did you hear yet
7 another radio communication?
8 A Yes.
9 Q And what was that communicate?
10 A That was from one of the auxiliary police, he had
11 found a male jogger that was --
12 MR. JOSEPH: Objection, Judge.
13 THE COURT: I'll allow it.
14 A He had found a male jogger that was severely beaten
15 on the, around 96th Street and the West Drive.
16 Q Did you hear any further information with respect
17 to the assault on that male jogger?
18 A Yes, another police officer--
19 MR. JOSEPH: Objection.
20 THE COURT: Yes, just a minute. Come up for a
21 minute.
22 Step down for a second.
23 (At side bar.)
24 THE COURT: Okay.
25 MR. JOSEPH: The basis of my objection is

H. C. Davis

1 T-1 Reynolds-Ppl-direct 799
2 it's hearsay.

3 THE COURT: Yeah, except all this stuff was
4 brought out throughout the other witnesses by
5 defense counsel.

6 MR. JOSEPH: It just seems that we don't, I
7 don't know that it was brought out through defense
8 counsel.

9 THE COURT: It was brought out, all of the
10 radio run communications were brought out through
11 defense counsel's cross-examination of other
12 witnesses.

13 MR. JOSEPH: But as to this witness, I think
14 the questions call for hearsay testimony, and I'm
15 noting my objection, number one.

16 Number two, it seems to me just to be, to
17 serve no purpose than bring to bring it out
18 through this witness.

19 THE COURT: what are you asking now? He got a
20 communication it was a male jogger beaten?

21 MS. LEDERER: And the description that came
22 over the air of, that male blacks that fled
23 northbound from that scene.

24 The, this information is particularly relevant
25 in light of the opening given by Mr. Rivera who

H. C. Davis

1 T-1 Reynolds-Ppl-direct 800
2 argued that Santana was arrested for no reason.
3 And I think the state of mind of the officers is
4 relevant to why that group of people were stopped.

5 And we had this conversation about whether the
6 hearsay would be admissible just immediately
7 before starting testimony in this case. The Court
8 indicated that it would rule as it came up. We
9 did not elicit from officer Alvarez, and it was
10 brought out by every defense attorney throughout
11 cross of that officer.

12 THE COURT: I don't know if I said I would
13 allow hearsay to come in.

14 MS. LEDERER: I said you didn't rule at that
15 time, but after we had that conversation, and even
16 the defense had been alerted to it, they all
17 brought out what the radio runs had been.

18 THE COURT: Yes.

19 MS. LEDERER: This officer that made the
20 actual stop. His state of mind is key, specially
21 since it's an issue raised by Mr. Rivera.

22 THE COURT: Have you people finished?

23 MS. LEDERER: Yes.

24 THE COURT: Normally I would not permit the
25 District Attorney to bring out any of this

H. C. Davis

1 T-1 Reynolds-Ppl-direct 801
2 information, other than the fact they had received
3 a radio communication, radio transmission and
4 responded to, and where he responded to. However,
5 all of this material that has been gone into by
6 the defense on cross examination of earlier
7 witnesses, so it seems to me inappropriate to at
8 this point foreclose this witness from testifying.
9 So, for that reason I'm going to allow it. Okay.

10 MR. JOSEPH: Judge, I know appellate courts
11 don't generally look favorably on continuing
12 objections, I don't know if your Honor wishes to
13 object to each question.

14 THE COURT: I will assume, if you want that as
15 to other radio transmissions, the District
16 Attorney may bring out. You make a continuing
17 objection.

18 MR. JOSEPH: Okay.

19 THE COURT: For the same reason I indicated I
20 will rule the same way. I would have, initially
21 had the District Attorney tried to bring that
22 stuff out on her direct examination of any
23 witness, absent cross-examination, the bringing
24 out of that very same material, I would sustain
25 the objection, but that's not the situation. So,

H. C. Davis

1 T-1 Reynolds-Ppl-direct 802
2 I will allow it.
3 MR. JOSEPH: Our objection is preserved as to
4 all of this testimony to come?
5 THE COURT: If you're going to object to each
6 radio transmission content, yes.
7 MR. JOSEPH: Right. Correct.
8 MR. BURNS: I'm sorry, I make the same
9 objection, the objection is on direct examination
10 when it's brought out.
11 THE COURT: Okay.
12 MR. BURNS: In other words, she's calling a
13 witness and the witness is testifying in the first
14 instance on direct examination, and the District
15 Attorney is being permitted to introduce hearsay
16 on the basis of the fact, I object to that, and I
17 also have a continuing objection.
18 THE COURT: For the same reasons, I will allow
19 it.
20 MR. BURNS: Okay.
21 (In the presence of the jury.)
22 Q The radio transmission that you described receiving
23 from the auxiliary police, would you tell us what the
24 content of that transmission were.
25 A That he had found a male jogger that was beaten,

H. C. Davis

1 T-1 Reynolds-Ppl-direct 803
2 had been beaten up and was bleeding and needed an ambulance.
3 Q Was there any information given as, concerning the
4 person or persons who were responsible for that assault?
5 A Yes, there was.
6 Q And what was that information?
7 A That they were male blacks.
8 Q And was any information given about where those
9 people went after they attacked the male jogger?
10 A That they had fled west from 96th Street.
11 Q What did you do after you heard that report?
12 A I started to, we started to head in that direction
13 and made our way out of the park at 100th Street and Central
14 Park West.
15 Q When you say you exited the park, would you please
16 step down and approach People's 2 in evidence and show the
17 members of the jury the route that you took and where you
18 exited the park.
19 A We went across the cross drive here at 102nd Street
20 and, going west and then south on the, on the South Drive.
21 Q Excuse me, your finger is next a legend there, when
22 you say you were going south, what roadway were you
23 traveling on?
24 A On the West Drive. And then we went west on 100th
25 Street which took us to 100th Street and Central Park West.

H. C. Davis

1 T-1 Reynolds-Ppl-direct 804

2 Q Approximately what time was it as you were exiting
3 the park?

4 A That was approximately ten to.

5 Q What if anything did you see when you were at 100th
6 Street an Central Park West?

7 A We saw a large group between 101st Street and 102nd
8 Street in Central Park West, walking northbound.

9 MS. LEDERER: The record should reflect the
10 witness is pointing to the right side of the
11 street.

12 Q What side of the street did you see them on?

13 A I saw them on the west side of the street.

14 Q You may resume the witness stand.

15 Would you describe the group you saw as you were
16 leaving Central Park on that night.

17 A It was a large group of teenagers, Black and
18 Hispanic, and they were walking together as a group,
19 northbound.

20 Q How many people did you see in that group?

21 A Anywhere from ten to twenty.

22 Q And what were they doing when you saw them?

23 A They were walking northbound.

24 Q Did you observe any interaction between the people
25 who comprised that group?

H. C. Davis

1 T-1 Reynolds-Ppl-direct 805

2 A Well, they were walking as a group, they were
3 talking. And as we, as we rode alongside of them, what the
4 group did was they stopped and started pointing at our van.

5 Q Let me go back for a moment. When you described
6 the group and you referred, you described they were walking
7 northbound on the block on Central Park West between 101st
8 and 102nd, how close together were the members of this
9 group?

10 A They were altogether like a pack.

11 MR. JOSEPH: Objection.

12 THE COURT: I'll allow it.

13 Q What direction did you turn on to Central Park
14 West?

15 A We turned north. Northbound.

16 Q And what if anything happened as you were driving
17 northbound?

18 A Well, as we started to approach them, I was going
19 to call on the radio to have other cars come so we could
20 sort of box them in, but the group stopped and they took, at
21 least what I thought was notice of us.

22 MR. BURNS: Objection.

23 MR. JOSEPH: Objection.

24 THE COURT: Don't tell us what you thought
25 they thought, just tell us what you observed.

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1 T-1 Reynolds-Ppl-direct 806

2 MR. BURNS: Will that be stricken, your
3 Honor?

4 THE COURT: Yes.

5 MS. LEDERER: Your Honor, if we could. Is
6 the hole answer stricken?

7 THE COURT: Just the portion where you're
8 telling us what you thought they thought. We don't
9 want you to give us their thought process, give us
10 your thought process and your observations. Okay?

11 THE WITNESS: Okay.

12 Q What if anything did you see the members of that
13 group do as you drove northbound?

14 A I saw them stop and what they did was they started
15 to point to us and I had thought that they recognized us.

16 MR. BURNS: Objection.

17 MR. JOSEPH: Objection.

18 THE COURT: That's what he thought, that was
19 going through his mind.

20 MR. JOSEPH: I would object to that, even if
21 it was going through his mind. No, I will allow
22 it, that's his thought process, I will allow that.

23 Go ahead.

24 Q Did you see whether there was anybody near the
25 police, the Parks Department van that you were driving at

H. C. Davis

1 T-1 Reynolds-Ppl-direct

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2 that time?

3 A Yes.

4 Q All right. Would you describe who you saw near the
5 van and how you became aware of that person's presence.

6 A I saw police officer Flores and she was driving,
7 she was in uniform driving a Mark three wheel scooter.

8 Q Where was it you saw her?

9 A She had pulled up right alongside of us on my
10 righthandside and we were between her and the group.

11 Q Prior to seeing officer Flores at the sight you
12 just described, had you seen her earlier in the evening?

13 A Yes.

14 Q And where had you seen her earlier in the evening?

15 A I saw her driving around, also looking for the,
16 canvassing for the group.

17 Q When did you first become aware of her as you were
18 driving north on Central Park West?

19 A Right after the group stopped and started pointing.

20 Q And at that point when you became aware of officer
21 Flores' presence, where did you see her?

22 A She was on my righthandside, she had pulled up
23 alongside of us, that's when we realized that--

24 MR. JOSEPH: Objection.

25 A That's when I realized they were going to run.

H. C. Davis

1 T-1 Reynolds-Ppl-direct 808
2 MR. JOSEPH: Objection.
3 THE COURT: That's his thought process, that's
4 what he was thinking when he saw her pull up
5 alongside. I'll allow it.
6 Q What if anything did you and officer Powers do when
7 you became aware that officer Flores was on your right?
8 A Well then we, I realized they were going to run
9 from us because.
10 MR. RIVERA: Objection.
11 THE COURT: No, overruled.
12 Go ahead.
13 A Because they'd stopped and started to point at the
14 van, at least I thought they were pointing at the van, they
15 were really pointing at her and thought she--
16 MR. JOSEPH: Objection.
17 THE COURT: Don't tell us what they thought.
18 You tell us what you thought.
19 THE WITNESS: Okay.
20 Q What if anything did you and officer Powers do at
21 that point?
22 A We took the van and cut them off at 102nd Street.
23 Q Would you step down again and approach People's 2
24 in evidence and show the members of the jury where you and
25 officer Powers went with the van and describe the position

H. C. Davis

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T-1 Reynolds-Ppl-direct

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of the van in relation to Central Park West.

A Okay. We had, at 102nd Street we pulled in perpendicular to Central Park West into the crosswalk with the van sitting in traffic.

Q Was the van pulled into 102nd Street?

A No. It was on Central Park West.

Q And what happened when you pulled the van into that location?

A We got out of the van, identified ourselves and told them not to run.

Q Why don't you resume the witness stand.

From the position that you've just described that the Parks Department van was in, which of you were closer to the group?

A Police officer Powers.

Q And when the van was pulled in that position, what if anything did you do?

A I got out of the van, he got out of the van and again we identified ourselves and told them not to run.

Q When you got out of the van, did you go around the front or the back of the van?

A I went around the front.

Q And whether you went around the front, how close were the members of the group to you at that time?

H. C. Davis

1 T-1 Reynolds-Ppl-direct 310

2 A I'd say about a car length or two.

3 Q And what if anything did the members of the group
4 do when you said what you just described?

5 A They ran.

6 Q And did any members of the group not run?

7 A Yes.

8 Q And who, would you describe what happened with
9 respect to people who did not run.

10 A Well, they didn't run, I, we told them to get
11 against the wall, gave them a quick, you know, frisk in case
12 they had any kind of weapons.

13 Q How many people did not run when you identified
14 yourselves?

15 A Two.

16 Q And where were those people in relation to the
17 group?

18 A They were with the group, they were right in the
19 front.

20 Q And how close were you to them at the time --

21 MS. LEDERER: Withdrawn.

22 Q How close were the others in the group to you in
23 relation to where these in the group were?

24 A Excuse me, I'm sorry?

25 Q You indicated that there were people in the group

H. C. Davis

1 T-1 Reynolds-Ppl-direct 811
2 that didn't run, how many didn't run?
3 A Two.
4 Q And where were those people in relation to the
5 other members of the group that didn't run?
6 A They were with the group, but they were right at
7 the front of the pack.
8 Q Did you later learn the names of those two people?
9 A Yes.
10 Q And what were their names?
11 A Steve Lopez and Raymond Santana.
12 Q What did you do with respect to those people?
13 A We took them, placed them against the wall and
14 patted them down real quick.
15 Q When you say you took them, do you know which
16 person you took?
17 A No, I don't recall.
18 Q And would you describe how you, what you mean when
19 you say took them.
20 A I grabbed him by his arm.
21 Q And you indicated you put him against the wall?
22 A Yes.
23 Q Was his face to the wall or face to you?
24 A Face to the wall.
25 Q And what did you do at that point?

H. C. Davis

1 T-1 Reynolds-Ppl-direct 812

2 A I patted his outside clothing down to make sure he

3 had, you know, didn't have a knife or a gun or anything.

4 Q Did you find any kind of a weapon?

5 A No.

6 Q Okay. Where was officer Powers while you were

7 doing this?

8 A He was standing right alongside me.

9 Q And what was he doing?

10 A He was doing the same with the other person he had.

11 Q Do you know which person you had taken hold of?

12 A No, I don't recall.

13 Q And do you know the name of the person officer

14 Powers had taken hold of?

15 A No.

16 Q Other than those two people, where did everybody

17 else in that group go?

18 A The group ran south on Central Park West towards

19 101st Street and then at 101st Street they ran west.

20 Q After you had frisked the person you had against

21 the wall, what did you do with him?

22 A I stood there were them and while officer Powers

23 chased the rest of the group along with officer Flores.

24 Q At the time that you and officer Powers stopped

25 Steve Lopez and Raymond Santana, did Raymond Santana make

H. C. Davis

1 T-1 Reynolds-Ppl-direct 813
2 any statement to you?
3 A Yes, he did.
4 Q And would you tell us please what he said to you.
5 A He stated that he had just come from a girlfriend's
6 house and that he didn't know the group and that they were
7 about to rip them off.
8 Q How long did you say, excuse me, how long did
9 officer Powers stay at that location with you after you had
10 taken these two individuals and put them against the wall?
11 A Just long enough to pat down the person that he was
12 holding.
13 Q And where did he go after that?
14 A He ran after the group.
15 Q Did you handcuff either of those two people at that
16 time?
17 A No.
18 Q Did you see where officer Flores went?
19 A Officer Flores was also in pursuit of the group.
20 Q And was she doing that on foot or on the scooter?
21 A In the scooter.
22 Q Where did you see her go?
23 A I saw her in the street go south on Central Park
24 West and then west on 101st Street.
25 Q Did you see either officer Powers or officer Flores

H. C. Davis

1 T-1 Reynolds-Ppl-direct 314
2 again after you saw them run west on 101st Street?
3 A Yes.
4 Q And would you please tell us where you saw them.
5 A They had run east on 101st Street, doubling back,
6 you know, for the kids that had run back the other way.
7 Q And did you see them come back to 101st Street and
8 Central Park West?
9 A Yes.
10 Q Did you see any members of the group at that time?
11 A Yes.
12 Q And approximately how many members of the group did
13 you see?
14 A It was about six or seven of them.
15 Q What did you see them doing?
16 A They ran across Central Park West and when they got
17 to the wall, they jumped over the wall, into the park.
18 Q And what if anything did you see officer Powers do.
19 A I saw him also run cross Central Park West and he
20 jumped over the wall.
21 Q And what did you see officer Flores do?
22 A I believe she drove her scooter around and went
23 through the, went through the 100th Street entrance.
24 Q What did you do during this time?
25 A During this time I stood there with the, with Lopez

H. C. Davis

1 T-1 Reynolds-Ppl-direct 815
2 and Santana and I put over the air, I called for assistance
3 for other units to come and help out officer Powers with
4 the, with the perps he was chasing.

5 Q Officer Reynolds, I ask you to look around the
6 courtroom today, do you see Raymond Santana in court today?

7 A Yes.

8 Q And would you please point him out.

9 A He's sitting right there with, I believe it's a
10 blue tie, white shirt and glasses.

11 MS. LEDERER: The record should reflect the
12 witness has identified Raymond Santana.

13 Q Approximately how long did you stay at that sight
14 with Steve Lopez and raped Santana?

15 A I'd say about fifteen, twenty minutes.

16 Q Did there come a time where a police car came to
17 the location where you were?

18 A Yes.

19 Q And who was in that car?

20 A That was Sgt. Wheeler and another police officer, I
21 don't recall his name now.

22 Q What happened --

23 A Officer Morales.

24 Q What happened when that police car arrived?

25 A They, when they got there, then they were placed, I

H. C. Davis

1 T-1 Reynolds-Ppl-direct 816
2 placed the handcuffs on them and put them in the back of the
3 car.

4 Q And what did you do after they were placed in the
5 radio car?

6 A I had waited for officer Powers to come back with
7 the keys for the van so we could drive back to 100th Street
8 and Central Park West.

9 Q Did officer Powers come back on the location where
10 you were?

11 A Yes.

12 Q Approximately how much time went by to the time
13 Stephen Lopez and Raymond Santana were taken in the police
14 car, how much time went by from the time those two were
15 taken in the police car until officer Powers came back.

16 A I'd say about five minutes.

17 Q And after officer Powers came back, what if
18 anything did you do?

19 A We drove back to 100th Street and Central Park
20 West, inside of the park.

21 Q Who did you see when you got to 100th Street and
22 Central Park West?

23 A I saw my supervisor, Sgt. Lale and the other
24 officers that were involved in the pursuit.

25 Q And did you see Raymond Santana or Steve Lopez at

H. C. Davis

1 T-1 Reynolds-Ppl-direct 817
2 that location?
3 A Yes.
4 Q Without us where you saw them?
5 A I saw them in the back of Sgt. Wheeler's car.
6 MS. LEDERER: With the Court's permission.
7 Q If you would step down People's 2 in evidence and
8 show the members of the jury the location where you went
9 after officer Powers came back with the keys to the van.
10 A We went right here, 100th Street and Central Park
11 West, inside the park.
12 Q Okay, thank you. You may resume the witness stand.
13 Other than your supervisor and Raymond Santana and
14 Steve Lopez and yourself an officer Powers, who else did you
15 see at that location?
16 A I saw the defendants.
17 MR. RIVERA: Objection.
18 THE COURT: Objection sustained.
19 Q Could you tell us by name who you saw at that
20 location.
21 MR. JOSEPH: Objection.
22 THE COURT: No, I'll allow it.
23 A Clarence Thomas, Lamont Mc Call, Kevin Richardson,
24 and Stephen Lopez and Raymond Santana.
25 Q How long did you stay at that location?

H. C. Davis

1 T-1 Reynolds-Ppl-direct 818

2 A I'd say about ten, fifteen minutes.

3 Q Add during that time did you have any conference or

4 discussion with your sergeant and other police officers?

5 A Yes.

6 Q What did you say during that discussion with the

7 sergeant and the other police officers?

8 MR. JOSEPH: Objection.

9 THE COURT: Come up for a minuted, please.

10 Step down, please.

11 (At side bar.)

12 THE COURT: What is he going to say?

13 MS. LEDERER: All he's going to say, there

14 was a discussion whether had heed do a showup with

15 John Loughlin, and it was decided not to do it.

16 THE COURT: Oaky, I'll allow that.

17 MS. JOSEPH: That's over objection.

18 THE COURT: Yes.

19 MR. JOSEPH: What's the relevance that it was

20 decided not to do it?

21 MR. BURNS: That's my point.

22 THE COURT: We'll find it out shortly.

23 MS. LEDERER: It explains why they went

24 there, what they did with him. And it explains

25 what the police procedure is at the stationhouse.

H. C. Davis

1 T-1 Reynolds-Ppl-direct 819

2 MR. JOSEPH: My objection is not just
3 relevance, it seems again we're getting into
4 hearsay, which clearly the door has not been
5 opened up to. It was decided not to do a lineup,
6 with John Loughlin.

7 THE COURT: A show up.

8 MR. JOSEPH: A show up with John Loughlin,
9 that too is a determination made by more than one
10 individual which was at least implicitly, if not
11 explicitly calls for a statement as to what was
12 discussed by other officers.

13 THE COURT: I'll allow it. Overruled.

14 (In the presence of the jury.)

15 Q Was there a discussion had at that location among
16 the police officers?

17 A Yes.

18 Q And what was the nature of that discussion?

19 MR. JOSEPH: Objection.

20 THE COURT: I'll allow it.

21 A It was regarding the arrest of the defendants.

22 Q Was there any discussion about what, whether there
23 would be any kind of show up?

24 MR. RIVERA: Objection.

25 THE COURT: I'll allow it.

H. C. Davis

1 T-1 Reynolds-Ppl-direct 820

2 A Yes.

3 Q And what was the nature of that discussion?

4 A We had wanted to get the--

5 MR. JOSEPH: Objection, Judge, as to what
6 they wanted to.

7 THE COURT: Yeah, just tell us what were you
8 going to do about a show up.

9 A We were going to have a show up with the
10 complainant, John Loughlin, and we had to ascertain if he
11 could identify the people that assaulted him at that time.

12 Q Was a show up done with John Loughlin?

13 A No.

14 Q At that time did you know the name John Loughlin?

15 MR. JOSEPH: Objection.

16 THE COURT: I'll let him answer.

17 A No.

18 Q Did there come a time where you left the location
19 at 100th Street and Central Park West, inside the park?

20 A Yes.

21 Q And where did you go at that time?

22 A We went back to Central Park Precinct.

23 Q How did you get from that location to the Central
24 Park Precinct?

25 A In the green Parks Department van.

H. C. Davis

1 T-1 Reynolds-Ppl-direct 821

2 Q Who did you travel with.

3 A Police officer Powers.

4 Q And did you have any of the people who had been

5 apprehended in the van with you?

6 A No.

7 Q And do you know how Raymond Santana was transported

8 to the Central Park Precinct.

9 A He was transported I believe with the Sergeant,

10 Sgt. Wheeler.

11 Q How long did it take to get from that location to

12 the Central Park Precinct?

13 A About five minutes.

14 Q And what happened when you arrived at the precinct?

15 A We went before the desk with the, with five

16 defendants.

17 Q When you arrived at the precinct, did you arrive

18 there first or did the People taken into custody get there

19 before you?

20 A I believe we arrived at about, just about the the

21 same time.

22 Q And you described of went before the desk, would

23 you explain for the members of the jury what that means.

24 A We go before the desk to make a record of the fact

25 that I had made an arrest and who the people were that were

H. C. Davis

1 T-1 Reynolds-Ppl-direct 822
2 arrested, and you know, their names, addresses and what they
3 were being arrested for.

4 Q Did you take all five of the people who had been
5 taken into custody before the desk?

6 A Yes.

7 Q And do you know the names and the physical
8 descriptions of each of the people that you took into
9 custody that night?

10 A Yes.

11 Q Would you please give the name of each person taken
12 into custody, a physical description of that person and
13 indicate their age.

14 A Okay. I'll just quickly look at my notes.

15 THE COURT: If you have to.

16 A Let me see, there was Raymond Santana, who was, who
17 is fourteen, and he was in apparently normal condition.

18 MR. RIVERA: Objection.

19 Q What was his race?

20 THE COURT: Don't tell us about normal
21 condition, just give us the name, description of
22 what they --

23 Are you asking for description of their--

24 MS. LEDERER: Physical appearance.

25 MR. RIVERA: Objection.

H. C. Davis

1 T-1 Reynolds-Ppl-direct 823

2 Q Did you learn the race of Raymond--

3 MR. BURNS: Did you rule on the objection?

4 THE COURT: Just a minute, I'm trying to

5 clarify the question.

6 MS. LEDERER: I withdraw the prior question.

7 THE COURT: They're withdrawing.

8 MR. JOSEPH: She's withdrawing? Oh.

9 Q Officer, did you learn the race of Raymond Santana?

10 A Yes.

11 Q And what race was he?

12 A He was a male Hispanic.

13 Q And did you learn his address at the time he was

14 taken into custody.

15 A Yes.

16 Q What was the address?

17 MR. RIVERA: Objection.

18 THE COURT: I'll allow it..

19 A It was

20 Q And with respect to the others who were taken into

21 custody at that time?

22 A Yes.

23 Q Did you learn Kevin Richardson's age?

24 A Yes, he was fourteen.

25 Q And what was his, what was his racial make up?

N. C. Davis

1 T-1 Reynolds-Ppl-direct 824

2 A He was Black.

3 Q And what was his address?

4 A

5 Q Did you learn the age of Clarence Thomas?

6 A Yes, he was 14.

7 Q And did you learn his address?

8 A That was

9 Q And what was his race.

10 A He was a male black also.

11 Q With respect to Lamont Mc Call, did you learn his

12 age?

13 A Yes. He was thirteen years old. He was a male

14 black and he lived at

15 Q And with respect to Steven Lopez?

16 A He was fifteen, he was a male Hispanic and he lived

17 at

18 Q At the time that these five people were taken

19 before the desk, were they handcuffed?

20 A Yes, they were.

21 Q How long were you before the desk with those five

22 people?

23 A I'd say approximately five to ten minutes.

24 Q And during the time you were before the desk, other

25 than the address and the date of birth and the age of those

H. C. Davis

1 T-1 Reynolds-Ppl-direct 825
2 people, was any other information taken from them?
3 A Yes.
4 Q And what information was that?
5 MR. JOSEPH: Objection.
6 A Their telephone numbers.
7 Q Who took that information from them there?
8 A Police officer Powers.
9 Q After you finished appearing before the desk,
10 before the desk sergeant, where did you go?
11 A I went to the juvenile room with the defendants.
12 Q Where was the juvenile room located?
13 A It was in our clerical office, which is a separate
14 building from the precinct.
15 Q And how is it separate from the precinct?
16 A It was separated by a driveway and --
17 Q Would you tell the members of the jury what is a
18 juvenile room?
19 A A juvenile room is a room designated by the Family
20 Court which is suitable for questioning of juveniles for
21 their arrest or if they're lost or if you have a juvenile in
22 police custody for any reason, this is the room which you
23 take them in.
24 Q What is a juvenile?
25 A A juvenile is any person under the age of sixteen.

H. C. Davis

1 T-1 Reynolds-Ppl-direct 826

2 Q What if anything did you do when you entered the
3 juvenile room with these five young men?

4 A I brought them in the room, took off their
5 handcuffs and arranged seating for all of them.

6 Q What did you do after you took off the handcuffs
7 and arranged seating for these five people?

8 A Then I started to do the paperwork.

9 Q What paperwork are you talking about?

10 A It's the on line booking sheet, that's the
11 paperwork you do when someone is arrested and juvenile
12 arrest package.

13 Q How many different sets of papers are required for
14 a juvenile package for each individual?

15 A There is about six or seven for each juvenile.

16 Q And where was officer Powers while you were doing
17 the paperwork?

18 A He was calling their parents.

19 Q And did there come a time when he finished making
20 those calls?

21 A Yes.

22 Q And did you see him after he finished making those
23 calls?

24 A Yes.

25 Q Where did you see him?

H. C. Davis

1 Eric Reynolds

2 in the playground before you left?

3 A. I don't recall the exact time. It
4 wasn't long.

5 Q. It wasn't long?

6 A. No.

7 Q. Could it have been five minutes,
8 ten minutes?

9 A. It could have been.

10 Q. After you left, where did you and
11 Officer Powers go, what did you do?

12 A. We continued to canvas.

13 Q. You continued to canvas the park
14 area, the northern end of the park, correct?

15 A. Yes.

16 Q. How long did you canvas the
17 northern end of the park inside the park?

18 A. Well, I don't recall the exact
19 time.

20 Q. Could it have been another 15
21 minutes, a half an hour, what?

22 A. Again, I don't recall the exact
23 time.

24 Q. What did you do after that, where
25 did you go after you completed your canvas of

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1 Eric Reynolds

2 the park?

3 A. We continued to canvas.

4 Q. You continued to canvas, okay,
5 inside the park?

6 A. Yes.

7 Q. How long did you canvas inside the
8 park?

9 MR. MYERBERG: Objection.

10 A. Again, I don't recall.

11 Q. Do you remember what you did? Did
12 there come a time that you ever left the park?

13 A. Yes.

14 Q. And do you remember approximately
15 what time you left the park?

16 A. I think it was, I believe it was
17 10:50.

18 Q. About 10:50, okay.

19 A. 10:45. I'm not sure of the exact
20 time.

21 Q. That's okay. And so you left the
22 park, you and Officer Powers. Why did you leave
23 the park? I'm curious, why did you stop the
24 canvassing inside the park?

25 A. Because I didn't believe that the

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1 Eric Reynolds

2 group was in the park anymore.

3 Q. So is it fair to say from about
4 9:15 until the time that you left at about 10:45
5 thereafter, you never ever saw any black males
6 in the park; is that correct, in the northern
7 end of the park?

8 MR. MYERBERG: Objection.

9 A. No.

10 Q. You can answer.

11 A. No, it's not fair to say.

12 Q. Other than the ones who were on the
13 playground; is that correct?

14 A. No.

15 Q. You never saw any group of black
16 males together inside the park in the northern
17 end at any time between 9:15 and the time you
18 left; is that correct?

19 MR. MYERBERG: Objection.

20 A. I don't believe --

21 MR. MYERBERG: You can answer.

22 A. I don't believe so.

23 Q. Right. And as a matter of fact,
24 isn't that why you decided to leave and go over
25 to, was it Central Park West that you went to?

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1 Eric Reynolds

2 A. Yes.

3 Q. And you went over to Central Park
4 West. When you exited the park on Central Park
5 West, what street did you exit on?

6 A. 100th Street.

7 Q. 100th Street, okay.

8 A. Yes.

9 Q. And when you got to Central Park
10 West going out the 100th Street exit, which way
11 did you go from there, a left or a right?

12 A. We made a right.

13 Q. Is there any special reason you
14 made a right?

15 A. Because we saw a large group of
16 male blacks and Hispanic teenagers.

17 Q. When you first saw them, where did
18 you see them on Central Park West?

19 A. They were between 101st and 102nd
20 Street.

21 Q. So they were walking -- correct me
22 if I'm wrong, Detective -- they were walking in
23 a northerly direction; is that correct?

24 A. Yes.

25 Q. So is it fair to say they were

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1 Eric Reynolds

2 walking in a northerly direction, they were
3 coming from a southerly direction?

4 A. Yes.

5 Q. On Central Park West?

6 A. Yes.

7 Q. So they were walking in the
8 direction of 102nd Street, correct?

9 A. I'm sorry?

10 Q. They were walking in a northerly
11 direction. You say you saw them at about 101st.
12 They were walking in a northerly direction
13 toward 102nd Street; is that correct?

14 A. That's correct, yes.

15 Q. When you saw them, what did you and
16 Officer Powers do?

17 MR. WARREN: Withdrawn.

18 Q. Let me ask you a question before
19 that. When you saw them, they were just
20 walking; is that correct?

21 A. They were walking, talking with
22 each other.

23 Q. Right, when you saw them, at no
24 time did you see them harassing anybody, beating
25 anybody, you didn't see any of that?

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Eric Reynolds

A. There was no one else on the street but them.

Q. So they were just walking and talking together; is that correct?

A. That's correct.

Q. Approximately how many of them were there, sir?

A. There was a lot. I had estimated between, you know, ten, 15. There might have been more. I don't recall though.

Q. And were they all black males?

A. They were male black and Hispanics.

Q. And Hispanics?

A. Yes.

Q. So after you saw them walking from a southerly direction north in the direction of 102nd Street, what happened after that, what did you all do?

A. I was going to take my radio, and first we were observing them, and I was going to take my radio and ask for additional units to respond so that we could stop the group.

Q. Go ahead, sir. I'm sorry, go ahead.

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1 Eric Reynolds

2 A. That's it.

3 Q. Okay, why were you going to be
4 asking for additional units if they were just
5 walking and talking to each other? I'm just
6 trying to get this etched deeply in my mind in
7 understanding it. Why would you call for
8 additional units?

9 A. Because there was a large number of
10 them.

11 Q. But they were just walking and
12 talking, right?

13 A. Yes.

14 Q. And that was it, no crimes being
15 committed, correct?

16 MR. MYERBERG: Objection.

17 A. We wanted additional units so that
18 we could stop all of them in case they decided
19 to run.

20 Q. What happened after that, after you
21 made the call for additional units?

22 A. I didn't get to make the call.

23 Q. Why not?

24 A. Because the group stopped and
25 started pointing at us, and then some of the

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1 Eric Reynolds

2 males towards the rear started to walk off. But
3 they were, appeared to have been alarmed by our
4 presence. I thought it was our presence.

5 Q. What happened after that?

6 A. There was a rap on my window and it
7 was, turned out that there was a cop in uniform
8 on a scooter, and that officer was Officer
9 Flores had pulled up to us to tell us she
10 thought that might have been the group, and we
11 explained to her that's why we were there.

12 Q. She explained that might have been
13 the group, what did she mean?

14 A. The group we were looking for.

15 Q. But you never.

16 Saw anybody inside the northern end
17 of the park while you were in the park; is that
18 correct?

19 A. Sorry?

20 Q. You never saw any black males
21 inside the park --

22 MR. MYERBERG: Objection.

23 Q. -- while you were canvassing; is
24 that correct?

25 A. No, I didn't say that.

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P-APP002320

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1 Eric Reynolds

2 Q. So are you saying when she said it
3 might have been the group, what group are you
4 referring to?

5 A. The group that was harassing and
6 assaulting people.

7 Q. So after you saw Officer Flores --
8 is it Officer Flores?

9 A. Yes.

10 Q. Then what happened after that?

11 A. Because the group, some of them
12 started, some of them in the rear started to
13 walk away in the opposite direction, we decided
14 to pull the van into the intersection of 102nd
15 and Central Park West --

16 Q. Yes.

17 A. -- to block the group and stop them
18 so we could, so we could, you know, show up.

19 Q. Did you stop them or what?

20 A. We tried to stop them.

21 Q. What did you do after that?

22 A. We pulled the van up into the
23 intersection. I got out of the van. Officer
24 Powers got out also.

25 Q. Yes.

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Eric Reynolds

A. We identified ourselves as police officers and told them not to run and the group started running.

Q. In which direction did the group run?

A. They ran south.

Q. They ran south?

A. Yes.

Q. On Central Park West?

A. Yes.

Q. All of them?

A. No.

Q. And what happened after that, what did you do?

A. I approached Raymond Santana and Steven Lopez along with my partner, and we put them against the wall and frisked them for weapons.

Q. Where did you approach Raymond Santana and Steven Lopez?

A. On the sidewalk between 101st and 102nd Street on Central Park West.

Q. Is there any particular reason why you approached Raymond Santana and Steven Lopez,

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1 Eric Reynolds

2 other than the fact that you thought that they
3 might have been a part of the group?

4 A. Because they were part of the
5 group.

6 Q. But other than the fact that --
7 part of what group, the group that was walking
8 up Central Park West?

9 A. Yes.

10 Q. But other than that, is there any
11 reason why you stopped those particular two?

12 A. Well, again, they were part of the
13 group.

14 Q. That was walking up Central Park
15 West?

16 A. Yes.

17 Q. But that's the only reason why you
18 stopped those two; is that correct?

19 MR. MYERBERG: Objection.

20 A. No.

21 Q. I'm sorry?

22 A. No.

23 Q. What was the other reason?

24 A. They fit the description of the
25 males we were looking for.

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Eric Reynolds

1 Eric Reynolds
2 Q. When you say they fit the
3 description of the males you were looking for,
4 when you heard the radio transmissions, was
5 there a clothing description given of the males?

6 A. I don't recall.

7 Q. Was there a color description given
8 of the males?

9 MR. MYERBERG: Objection.

10 A. We were given a description of
11 teenage males, black and Hispanics.

12 Q. Right, that was the only
13 description you were given; is that correct?

14 A. As far as I can recall, yes.

15 Q. What happened after that, after you
16 approached Lopez and Santana?

17 A. They stated that they weren't with
18 the group, that the group was about to rob them.

19 Q. Were there any other members of the
20 group that were stopped or brought back?

21 A. You mean -- if you can rephrase
22 that.

23 Q. Yes. I mean after you stopped
24 Lopez and Santana, of the group that you said
25 you saw, were there any other young men, young

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P-APP002324

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1 Eric Reynolds

2 boys who were arrested?

3 A. Yes.

4 MR. MYERBERG: Objection.

5 Q. And how many others and what are
6 their names?

7 A. There were three others.

8 Q. Who were they?

9 A. Lamont McCall, Clarence Thomas and
10 Lamont McCall, Clarence Thomas, and I forgot the
11 third. The last name was Richardson.

12 Q. Kevin Richardson?

13 A. Kevin Richardson.

14 Q. So there were five in all arrested
15 from this group; is that correct?

16 A. Yes.

17 Q. And after these young boys were
18 arrested, what happened after that?

19 MR. MYERBERG: Objection.

20 Q. Go ahead, you can answer.

21 A. Which young boys?

22 Q. The five that you just mentioned,
23 Steven Lopez, Raymond Santana, Lamont McCall,
24 Clarence Thomas and Kevin Richardson.

25 A. We brought them to 100th Street and

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P-APP002325

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1 Eric Reynolds

2 Central Park West.

3 Q. When you say "we," was it in your
4 vehicle?

5 A. No.

6 Q. Who transported these five young
7 boys?

8 MR. MYERBERG: Objection.

9 A. They weren't transported together
10 in one car.

11 Q. That's fine. Who did the
12 transport?

13 A. Sergeant Wheeler and I don't recall
14 who his partner was, and then I believe Sergeant
15 Lail and Officer Hennigan.

16 Q. Who did Sergeant Wheeler transport?

17 A. Lopez and Santana.

18 Q. And the others were transported by
19 Sergeant Lail?

20 A. I believe so.

21 Q. And was there a discussion at all
22 after these boys were stopped and before they
23 were transported about doing a showup
24 identification with Mr. Loughlin?

25 A. Yes.

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P-APP002326

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1 Eric Reynolds

2 Q. And was a showup identification
3 conducted?

4 A. No.

5 Q. Why not?

6 A. Mr. Loughlin's injuries were too
7 extensive. He wasn't able to ID.

8 Q. Where was Mr. Loughlin at that
9 time?

10 A. He was in the hospital.

11 Q. And when you say -- what hospital
12 was he in?

13 A. I don't recall that.

14 Q. Would it refresh your recollection
15 if I told you that he was in St. Luke's
16 Hospital?

17 A. It sounds right.

18 Q. How did you find out his injuries
19 were such that he would not be able to
20 participate in a showup identification?

21 A. I was informed of that by another
22 officer.

23 Q. By who?

24 A. I don't recall who said that.

25 Q. You don't recall?

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P-APP002327

Eric Reynolds

A. No.

Q. How soon after the arrest of these five boys were you informed that Mr. Loughlin was in such a condition that you could not conduct a showup?

A. It was maybe ten, 15 minutes. I don't recall.

Q. Ten or 15 minutes?

A. It could have been. I don't recall what the time frame was.

Q. Were these young boys, were they at the precinct when you found out what you described as his condition, or were you still out in the street?

A. We were still in the street.

Q. What were the nature of his injuries?

MR. MYERBERG: Objection.

A. He was beaten with a pipe, I believe.

Q. But why couldn't he participate in the showup?

MR. MYERBERG: Objection.

A. My understanding was both of his

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1 Eric Reynolds

2 eyes were swollen shut.

3 MR. WARREN: I'd like to get this
4 marked as Reynolds 3.

5 [Page 715 of a transcript was
6 hereby marked as Reynolds Exhibit 3 for
7 identification, as of this date.]

8 Q. Let me know when you're finished
9 reading. Have you read that document?

10 A. Yes.

11 Q. Having read that, this is your
12 testimony in a prior proceeding. Does that
13 refresh your recollection that you've testified
14 previously that only one of his eyes was badly
15 damaged?

16 MR. MYERBERG: Objection. That's
17 not the testimony here.

18 Q. Were both of his eyes shut or just
19 one of his eyes?

20 A. Again, my understanding was that
21 both of his eyes were swollen shut. My
22 testimony here is that at least one of his eyes
23 was badly damaged.

24 Q. Well, that at least he had one of
25 his eyes was badly damaged, is that what it

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P-APP002329

1 Eric Reynolds

2 says?

3 A. Yes.

4 Q. It doesn't say both of his eyes?

5 A. I'm sorry, that wasn't my testimony
6 earlier. I just said both were swollen shut.

7 Q. I see, thank you.

8 MR. MYERBERG: Just for the record,
9 this is page 715 in the top right corner,
10 Reynolds People Recross Colleen Moore.

11 MR. WARREN: That's correct,
12 starting with line 11 going through 19.

13 Q. Now, what time did you arrive at
14 the precinct, sir?

15 A. I believe it was around 11.

16 Q. Eleven o'clock?

17 A. Yes.

18 Q. When you arrived at the precinct,
19 what did you observe?

20 A. I believe the defendants had gotten
21 there just before me and were standing in front
22 of the desk.

23 Q. And who else was present at that
24 time that you recall?

25 A. Sergeant Lail, Officer Hennigan,

1 Eric Reynolds

2 Sergeant Wheeler may have been there also, I
3 believe. I'm not 100 percent sure.

4 Q. And what did you do after arriving
5 at the precinct?

6 A. Went to the desk officer and
7 informed him of what I had.

8 Q. Who was the desk officer at that
9 time?

10 A. I don't recall.

11 Q. Would that have been a sergeant or
12 a lieutenant?

13 A. It could have been either.

14 Q. Do you know a Lieutenant McInerney?

15 A. I know who he is.

16 Q. Was he at the desk that night when
17 you arrived?

18 A. I don't think so.

19 Q. After you arrived and you saw a
20 desk officer, then what did you do?

21 A. I explained to him what I had.

22 Q. Then what happened?

23 A. I gave him the names and pedigree
24 information of each of the defendants.

25 Q. Did you actually take down the

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1 Eric Reynolds

2 pedigree information?

3 A. From each defendant?

4 Q. Yes.

5 A. Well, at that point it would have
6 been the desk officer.

7 Q. The desk officer?

8 A. Yes.

9 Q. And what did you do after you
10 arrived and after you saw the desk officer, what
11 did you do thereafter?

12 A. I brought the defendants to the
13 juvenile room.

14 Q. And what floor of the precinct was
15 that in?

16 A. That's on the first floor.

17 Q. The first floor?

18 A. Yes.

19 Q. And what did you do after that,
20 sir?

21 A. I started to process the arrest.

22 Q. When you started to process the
23 arrest, can you describe a little further what
24 you mean by that?

25 A. I started to do the paperwork.

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P-APP002332

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1 Eric Reynolds

2 Q. Okay. On each of the young boys;
3 is that correct?

4 A. Yes.

5 Q. And how long did that process last,
6 doing the paperwork on each of these five young
7 boys?

8 A. I don't recall.

9 Q. Would it have been several hours?

10 A. Again, I don't recall how long each
11 one took.

12 Q. Did you do the paperwork on each
13 one of them?

14 A. Yes.

15 Q. And did there come a time that any
16 of their parents arrived?

17 A. Yes.

18 Q. Who was the first parent to arrive?

19 A. Kevin Richardson's mother.

20 Q. Mrs. Cuffee?

21 A. Yes.

22 Q. And approximately what time did Ms.
23 Cuffee arrive at the precinct?

24 A. I believe it was around 12 o'clock
25 at night.

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P-APP002333

T4-fr

395

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A No.

3 Q Were you present for that interview?

4 A Yes.

5 Q After that interview was conducted, where
6 did you go?

7 A Then went to to Antron
8 McCray's house.

9 Q Who did you go with?

10 A I went with Detective Farrell and Whelpley
11 and other detectives from Sex Crime.

12 Q What, if anything -- withdrawn.

13 When you left Clarence Thomas' apartment,
14 did you leave alone?

15 A No, I didn't.

16 Q Who came with you?

17 A Detective Whelpley, Detective Farrell, and
18 we met with Detective Rosario and Detective Rivera
19 and Morin from Sex Crimes.

20 Q Did Clarence Thomas and his mother go with
21 you?

22 A Yes, they did.

23 Q Did you travel in the same car with them?

24 A Yes, I did.

25 Q Did you have any conversation with them

10/13/89

T4-fr

396

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 about why they were going with you?

3 A With him and his mother?

4 Q Yes?

5 A No.

6 Q How did you know where to go when you left
7 Clarence Thomas' apartment?

8 MR. JOSEPH: Objection.

9 MR. BERMAN: Objection.

10 THE COURT: I'll allow it.

11 Where were you going?

12 THE WITNESS: We were going to Antron
13 McCray's house.

14 Q How did you know where Antron McCray's
15 house was?

16 A Clarence's mother told us where it was.

17 Q Where did you go to find Antron McCary's
18 apartment?

19 A To

20 Q What happened when you arrived at
21 ?

22 A We knocked on the door and we spoke to
23 Antron's father, Bobby McCray.

24 Q Did you go to the door?

25 A I went to the door, yes.

10/13/89

T4-fr

397

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q Was anyone else with you?

3 A Yes.

4 Q Who was that?

5 A Detective Rosario, Detective Rivera, and
6 Detective Morin.

7 Q Did you personally speak to the person you
8 identified as Bobby McCray?

9 A No.

10 Q Were you present when there was a
11 conversation with him?

12 A Yes.

13 Q Who had that conversation?

14 A Detective Rosario.

15 Q What did you hear him say and what did you
16 hear Bobby McCray respond?

17 A He stated that he wanted to speak to Antron
18 at the Central Park Precinct and that Bobby McCray
19 would have to come with us also because Antron is a
20 juvenile.

21 Q And what happened then?

22 A And he agreed and told Antron to get
23 dressed.

24 Q And did Antron McCray and his father then
25 leave with you?

10/13/89

NYCLD_023143

P-APP002336

T4-fr

398

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A Yes, they did.

3 Q Do you recall whether anyone else from the
4 McCray family came?

5 A His mother came also.

6 Q And did they ride with you or did they ride
7 with someone else?

8 A I believe they rode with the detectives
9 from Sex Crimes.

10 Q What time did you return to the Central
11 Park Precinct, approximately?

12 A I'd say it was after 12:00.

13 Q When Antron McCray came with you -- and
14 left his apartment, what was he wearing?

15 A He had on the clothes that he was wearing
16 the night before. They were --

17 MR. MOORE: Objection.

18 MR. BURNS: Objection.

19 THE COURT: Objection sustained.

20 Do you remember what he was wearing?

21 THE WITNESS: No.

22 Q Was there a conversation with anyone in
23 your presence about what Antron McCray would wear?

24 A Yes.

25 Q What do you remember about that

10/13/84

NYCLD_023144

P-APP002337

T4-fr

399

1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 conversation?

3 A Detective Rosario asked Bobby McCray, he
4 asked him if Antron could wear the same clothes he
5 wore the night before, and they agreed.

6 Q Did you notice anything about his clothes
7 when he came out of the apartment?

8 A Yes, they were entirely covered with dry
9 mud.

10 Q When you returned to the Central Park
11 Precinct, did you conduct any interviews of any of
12 the suspects that you already named, that is, Kevin
13 Richardson, Steve Lopez, or Raymond Santana?

14 A No, I didn't.

15 Q And did you at any time conduct or were you
16 present during any interviews with Michael Brisco,
17 Kharey Wise, Antron McCray or Yusaf Salam?

18 A No.

19 Q Did you voucher any property in connection
20 with this case?

21 A No.

22 Q Did you go out and pick up any other
23 suspects in this case?

24 A No, I didn't.

25 MS. LEDERER: Thank you very much.

10/13/89

NYCLD_023145

P-APP002338

COMPLAINT - INFORMATION
PD 312 (8/14)

Date of Report: 4/20/89
Complainant's Name: L.S.
P.S.N.:
Last Name, First:
Home Telephone:

Location of Perpetrator:
Wanted: ☐ Yes ☐ No
Sex: ☐ Male ☐ Female
Race: ☐ White ☐ Black ☐ Hispanic
Height: ☐ Tall ☐ Medium ☐ Short
Weight: ☐ Heavy ☐ Normal ☐ Light
Build: ☐ Slender ☐ Stocky ☐ Average
Age: ☐ Young ☐ Middle ☐ Old
Complexion: ☐ Fair ☐ Tan ☐ Dark
Hair: ☐ Straight ☐ Wavy ☐ Curly
Eyes: ☐ Blue ☐ Green ☐ Brown
Mouth: ☐ Full ☐ Thin
Nose: ☐ Straight ☐ Bumped
Ears: ☐ Small ☐ Large
Scars: ☐ None ☐ Yes
Tattoos: ☐ None ☐ Yes
Other: ☐ None ☐ Yes

Area within box for Detective/Latent Fingerprint Officer only. This box will be utilized by investigator whenever possible and must be fully completed when using this form to close a case "NO RESULTS."

Comp. Interviewed: ☐ Yes ☐ No
Witness Interviewed: ☐ Yes ☐ No
Crime Scene Visited: ☐ Yes ☐ No
Witness Viewed Photos: ☐ Yes ☐ No
Crime Scene Photos: ☐ Yes ☐ No

Details: COMPLAINT: VICTIM FOUND BEAT AND BOUND INSIDE CENTRAL PARK
SUBJECT: INTERVIEW OF CLARENCE THOMAS M/B/14yrs

1) On this date at 0700hrs the undersigned along with Det Whelpley did interview Clarence Thomas M/B/14yrs DOB [redacted] of [redacted] in the presence of his mother Gloria Thomas who lives at the address. Clarence Thomas was under arrest at this time so the undersigned informed him and his mother of their rights from a card. Both Clarence Thomas and his mother Gloria Thomas acknowledge each right by stating yes and on the last right they agreed to answer questions without an attorney present. Clarence Thomas states that he and his friend Antron Mc Gray who lives on [redacted] and goes to JHS 117 (Exact address unknown) were on E 110th St and Madison Ave and they met approx 15 other males all about 13 to 15 yrs old. Clarence states that he did not know all of these males but he did know a guy named Polo who is a M/Bor H/15yrs and he hangs out on E 110th and Madison, a guy named Ralph M/B/15yrs who lives in the Taft projects and he knows Lamont McCall (See OD 5 Det Whelpley Re; Lamont McCall). Clarence states that the group was mixed with blacks and hispanics and that they all went into the park at E 110th and started walking into the park and south. Clarence stated that they were just hanging out that there was no plan on what they were going to do in the park. Clarence states that they entered the park at approx 2010hrs and he remembers the time because he knows that he met the group at 2000hrs and it took them about ten minutes to talk and then walk to the park. Clarence further states that as they walked thru the park some of the guys were throwing rocks at cars but none of the cars stopped except for a cab (yellow) that did stop but did not chase the group. Clarence also states that as they walked thru the park (location unknown) approx eight of the guys saw a male white 40's jogging who was wearing a sweater and blue shorts, and these eight guys started chasing the male white but after a few minutes five of the eight returned to the group stating that the guy got away.


Continued on page two

NYC022226

REYNOLDS EXH. 11

NYCLD_057950

P-APP002339

 COMPLAINT FOLLOW-UP INFORMATIONAL FD-302 (Rev. 12-13-88) (1-800-84)	Page 2	000873 Date of this report 4/20/89
	No. 022 Subsequent No. 281	

DETAILS:

CONTINUED FROM PAGE ONE RE: ASSAULT OF UNIDENTIFIED FEMALE WHITE

INSIDE CENTRAL PARK: INTERVIEW OF CLARENCE THOMAS

Cont; Clarence does not know what happened to the other three guys who chased the male white and states that they were guys he did not know by name that they were friends of Antron Mc Cray. Clarence states that he and the rest of the group continued south in the park and then at approx the middle of the park around 96th St about seven of the guys went after and beat up another jogger at the fence near the reservoir and this was a male white (could supply no further description). Clarence states that he and Antron Mc Cray ran out of the park and after awhile the other guys came out and they all started walking north on Central Park West and as they walked a green van turned into the street and pulled up to the group and one of the guys in the van said that they were the police and that no one should run but everyone ran any way. Clarence states that he ran to W 100th St and turned into the park and he tripped and fell to the ground and the police caught him. Clarence further states that the others all ran in different directions

When questioned about anyone else who the group had hit Clarence stated that there was an old bum who was a male white or hispanic that Lamont Mc Call had hit with his fist in the back of the bum's head and knocked him to the ground. Clarence further stated that the only other person he saw in the park, outside of the three he had mentioned was some people on a bike but that they did not go after them. Clarence states that the Bum was in the middle of the park and that the Bum was wearing a dark blue coat with grayish pants. When asked if anyone in the group had a weapon Clarence stated that there was a M/B/ in his teens tall wearing blue jeans with patches all over them and a beige trench coat and he had a pipe that was approx 14 inches long with one end taped with black tape. Clarence states that he does not know this tall male's name but that he saw this male take this pipe out of his pants with his right hand when they were at the reservoir with the man who had been beat but he did not see if the tall male hit the male white with the pipe. Clarence states that he was too far away from the seven guys to see who was hitting the white male. At this time Clarence was allowed to go home with his mother and the interview was discontinued

On this date at approx 1130hrs the undersigned along with Det Whelpley were at the home of Clarence Thomas and spoke to Clarence's mother first and told her that Clarence had to be spoken to again. Mrs Thomas invited the undersigned and Det Whelpley into her home and then went and woke up Clarence. Mrs Thomas brought Clarence into her kitchen and he sat down and did Mrs Thomas and at this point the undersigned reminded both of them of their rights and again told them they had the right to have an attorney present before speaking to the police. Both Mrs Thomas and Clarence agreed to speak to us without an attorney present. At this time Clarence stated that the pipe he told us about before was passed back and forth between the tall guy and Antron Mc Cray but Clarence still states that he did not see either of them hit the guy with the pipe. When asked about anyone else being beat in the park by this group, Clarence stated that the Bum Lamont hit but this time Clarence states Lamont beat the Bum with three other guys and that they really beat the guy by punching and kicking him then they dragged this Bum off the road and on the curb and left him there bleeding. Clarence states he does not know the names of the three guys who beat the Bum with Lamont by name but that Antron might know them. Clarence and his mother agreed to show the undersigned where Antron lived and also agreed to come back to the Central Park Pct with the undersigned. While in auto 8475 Mrs Thomas directed the undersigned and Det Whelpley to [redacted] and stated that Antron lived in this building in apartment [redacted] Det Rosario along with Dets Rivera and Morin from Sex Crimes went into [redacted] and came out with the subject who was identified as Antron Mc Cray and his mother Linda Mc Cray and his father Bobby Mc Cray. Det Rosario informed the undersigned that he requested Mr and Mrs Mc Cray and Antron to come to the CPP and they agreed further Det Rosario asked that Antron wear the clothes he had been wearing before he went to bed and this was also agreed to by both parents and Antron. When Antron exited the building his clothes were covered with dried mud and were very dirty. Mr and Mrs Mc Cray and Antron were transported to the CPP in Sex Crime auto 731 and Mrs Thomas and Clarence were transported in DBMSTF auto 8475.

INVESTIGATION CONTINUING

Reporting Officer's Name and Signature Det [Signature]	Name Printed J FARRELL	File Registry No. 864631	Supervisor's Signature Sgt.	C.O. Initials
--	----------------------------------	------------------------------------	---------------------------------------	---------------

NYC022227

NYCLD_057951

P-APP002340

COMPLAINT - FOLLOW UP INFORMATIONAL		PAGE 1 OF 2	
FD 313-081A (Rev. 1-86)(3)		Pct	022
Complaint No		281	
Date of This Report		4/20/89	
Date of Orig. Report	Date Assigned	Case No	Unit Reporting
4/20/89	4/20/89	67	DBMSTF NIGHTWATCH
Complainant's Name: Last, First, MI		Victim's Name - If Different	
P. S. N. Y.		Unidentified F/W/20-30yrs	
Last Name, First, MI		Address, Include City, State, Zip	
Home Telephone		Business Telephone	
Position / Relationship		Sex	Race
Date of Birth		Age	
Wanted		Arrested	Weapon
Used		Possessed	
Describe Weapon (If firearm, give color, make, caliber, type, model, etc.)			
Wanted		Arrested	Last Name, First, MI
Address, Include City, State, Zip		Apt. No. Res. Pct.	
Sex	Race	Date of Birth	Age
Height	Weight	Eye Color	Hair Color
Hair Length	Facial Hair	NYSD No.	
Eyeglasses		Sunglasses	
Clothing Description		Scars, Marks, M.O., Etc.	
Nickname, First Name, Alias		Address in "Details" if:	
Wanted		Arrested	Last Name, First, MI
Address, Include City, State, Zip		Apt. No. Res. Pct.	
Sex	Race	Date of Birth	Age
Height	Weight	Eye Color	Hair Color
Hair Length	Facial Hair	NYSD No.	
Eyeglasses		Sunglasses	
Clothing Description		Scars, Marks, M.O., Etc.	
Nickname, First Name, Alias		Address in "Details" if:	
AREA WITHIN BOX FOR DETECTIVE / LATENT FINGERPRINT OFFICER ONLY. THIS BOX WILL BE UTILIZED BY INVESTIGATOR WHENEVER POSSIBLE AND MUST BE FULLY COMPLETED WHEN USING THIS FORM TO CLOSE A CASE "NO RESULTS."			
Comp. Interviewed		In Person	By Phone
Yes	No	Yes	No
Date		Time	
Results: Same as Comp. Report - Different (Explain in Details)			
Witness Interviewed		In Person	By Phone
Yes	No	Yes	No
Date		Time	
Results: Same as Comp. Report - Different (Explain in Details)			
Convict Conducted		If Yes - Make Entry in Body Re: Time, Date, Names, Addresses, Results	
Yes	No	Crime Scene Visited	
Complainant Viewed Photos		If Yes - Make Entry in Details Re: Time, Date, Evidence Obtained	
Yes	Refused	Future	
Witness Viewed Photos		Results:	
Yes	Refused	Future	
Crime Scene Visited		By (Enter Place in Details)	
Yes	No	Crime Scene Photos	
By (Enter Results in Details)			
If Closing Case "No Results," Check Appropriate Box and State Justification in Details: <input type="checkbox"/> C-1 Improper Referral <input type="checkbox"/> C-2 Inaccurate Facts <input type="checkbox"/> C-3 No Evidence / Can't ID <input type="checkbox"/> C-4 Uncooperative Complainant			
DETAILS: COMPLAINT: VICTIM FOUND BEAT AND BOUND INSIDE CENTRAL PARK SUBJECT: INTERVIEW OF CLARENCE THOMAS M/B/14yrs			
1) On this date at 0700hrs the undersigned along with Det Whelpley did interview Clarence Thomas M/B/14yrs DOB [redacted] of [redacted] in the presence of his mother Gloria Thomas who lives at the address. Clarence Thomas was under arrest at this time so the undersigned informed him and his mother of their rights from a card. Both Clarence Thomas and his mother Gloria Thomas acknowledge each right by stating yes and on the last right they agreed to answer questions without an attorney present. Clarence Thomas states that he and his friend Antron Mc Cray who lives on [redacted] and goes to JHS 117 (Exact address unknown) were on E110th St and Madison Ave and they met approx 15 other males all about 13 to 15 yrs old. Clarence states that he did not know all of these males but he did know a guy named Polo who is a M/Bor B/15yrs and he hangs out on E 110th and Madison, a guy named Ralph M/B/15yrs who lives in the Taft projects and he knows Lamont Mc Call (See DD 5 Det Whelpley Re; Lamont Mc Call). Clarence states that the group was mixed with blacks and hispanics and that they all went into the park at E 110th and started walking into the park and south. Clarence stated that they were just hanging out that there was no plan on what they were going to do in the park. Clarence states that they entered the park at approx 2010hrs and he remembers the time because he knows that he met the group at 2000hrs and it took them about ten minutes to talk and then walk to the park. Clarence further states that as they walked thru the park some of the guys were throwing rocks at cars but none of the cars stopped except for a cab (yellow) that did stop but did not chase the group. Clarence also states that as they walked thru the park (location unknown) approx eight of the guys saw a male white 40's jogging who was wearing a sweater and blue shorts, and these eight guys started chasing the male white but after a few minutes five of the eight returned to the group stating that the guy got away.			
Continued on page two			
Reporting Officer's Name		Name Printed	
Det. J. Farrell		J. FARRELL	
Signature		Tax Registry No.	
[Signature]		854831	
Supervisor's Signature		CD's Initials	
[Signature]		[Initials]	

NYC002949

NYCLD_058353

P-APP002341

COMPLAINT FOLLOW-UP INFORMATIONAL
FD-503 (Rev. 11-80) 24

PCL

Complaint No.

Date of This Report

022

281

4/20/89

DETAILS:

CONTINUED FROM PAGE ONE RE: ASSAULT OF UNIDENTIFIED FEMALE WHITE

INSIDE CENTRAL PARK: INTERVIEW OF CLARENCE THOMAS

003056

- 1) Cont; Clarence does not know what happened to the other three guys who chased the male white and states that they were guys he did not know by name that they were friends of Antron Mc Cray. Clarence states that he and the rest of the group continued south in the park and then at approx the middle of the park around 96th St about seven of the guys went after and beat up another jogger at the fence near the reservoir and this was a male white (Could supply no further description). Clarence states that he and Antron Mc Cray ran out of the park and after awhile the other guys came out and they all started walking north on Central Park West and as they walked a green van turned into the street and pulled up to the group and one of the guys in the van said that they were the police and that no one should run but everyone ran any way. Clarence states that he ran to W 100th St and turned into the park and he tripped and fell to the ground and the police caught him. Clarence further states that the others all ran in different directions
- 2) When questioned about anyone else who the group had hit Clarence stated that there was an old bum who was a male white or hispanic that Lamont Mc Call had hit with his fist in the back of the bum's head and knocked him to the ground. Clarence further stated that the only other person he saw in the park, outside of the three he had mentioned was some people on a bike but that they did not go after them. Clarence states that the Bum was in the middle of the park and that the Bum was wearing a dark blue coat with grayish pants. When asked if anyone in the group had a weapon Clarence stated that there was a M/B/ in his teens tall wearing blue jeans with patches all over them and a beige trench coat and he had a pipe that was approx 14 inches long with one end taped with black tape. Clarence states that he does not know this tall male's name but that he saw this male take this pipe out of his pants with his right hand when they were at the reservoir with the man who had been beat but he did not see if the tall male hit the male white with the pipe. Clarence states that he was too far away from the seven guys to see who was hitting the white male. At this time Clarence was allowed to go home with his mother and the interview was discontinued
- 3) On this date at approx 1130hrs the undersigned along with Det Whelpley were at the home of Clarence Thomas and spoke to Clarence's mother first and told her that Clarence had to be spoken to again. Mrs Thomas invited the undersigned and Dte Whelpley into her home and then went and woke up Clarence. Mrs Thomas brought Clarence into her kitchen and he sat down and did Mrs Thomas and at this point the undersigned reminded both of them of their rights and again told them they had the right to have an attorney present before speaking to the police. Both Mrs Thomas and Clarence agreed to speak to us without an attorney present. At this time Clarence stated that the pipe he told us about before was passed back and forth between the tall guy and Antron Mc Cray but Clarence still state that he did not see either of them hit the guy with the pipe. When asked about anyone else being beat in the park by this group, Clarence stated that the Bum Lamont hit but this time Clarence states Lamont beat the Bum with three other guy's and that they really beat the guy by punching and kicking him then they dragged this Bum off the road and on the curb and left him there bleeding. Clarence states he does not know the names of the three guys who beat the Bum with Lamont by name but that Antron might know them. Clarence and his mother agreed to show the undersigned where Antron lived and also agreed to come back to the Central Park Pct with the undersigned. While in auto 8475 Mrs Thomas directed the undersigned and Det Whelpley to [redacted] and stated that Antron lived in this building in apartment [redacted]. Det Rosario along with Dets Rivera and Morin from Sex Crimes went into [redacted] and came out with the subject who was identified as Antron Mc Cary and his mother Linda Mc Cray and his father Bobby MC Cary. Det Rosario informed the undersigned that he requested Mr and Mrs Mc Cary and Antron to come to the CPP and they agreed further Det Rosario asked that Antron wear the clothes he had been wearing before he went to bed and this was also agreed to by both parents and Antron. When Antron exited the building his clothes were covered with dried mud and were very dirty. Mr and Mrs Mc Cray and Antron were transported to the CPP in Sex Crime auto 731 and Mrs Thomas and Clarence were transported in DBMSTF auto 8475.

INVESTIGATION CONTINUING

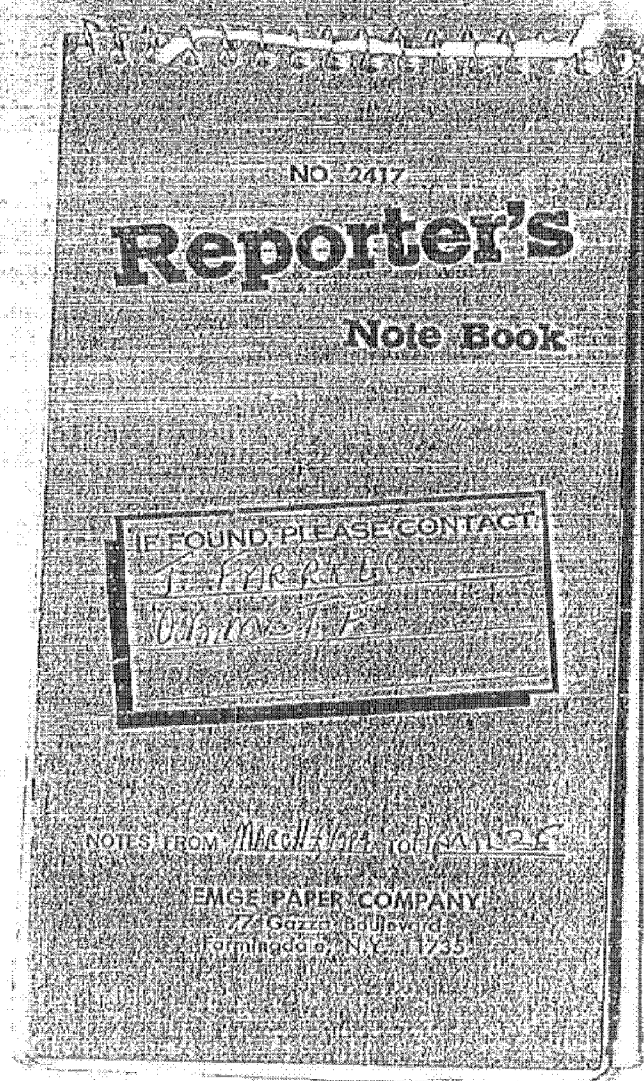
Reporting Officer's Name, Signature, and Title	Name Printed	Tax Registry No.	Supervisor's Signature	C.O.'s Initials
Det [Signature] DBMSTF	J FARRELL	864831	Sgt.	

CRIMINAL RECORDS SECTION

NYC002950

NYCLD_058354

P-APP002342

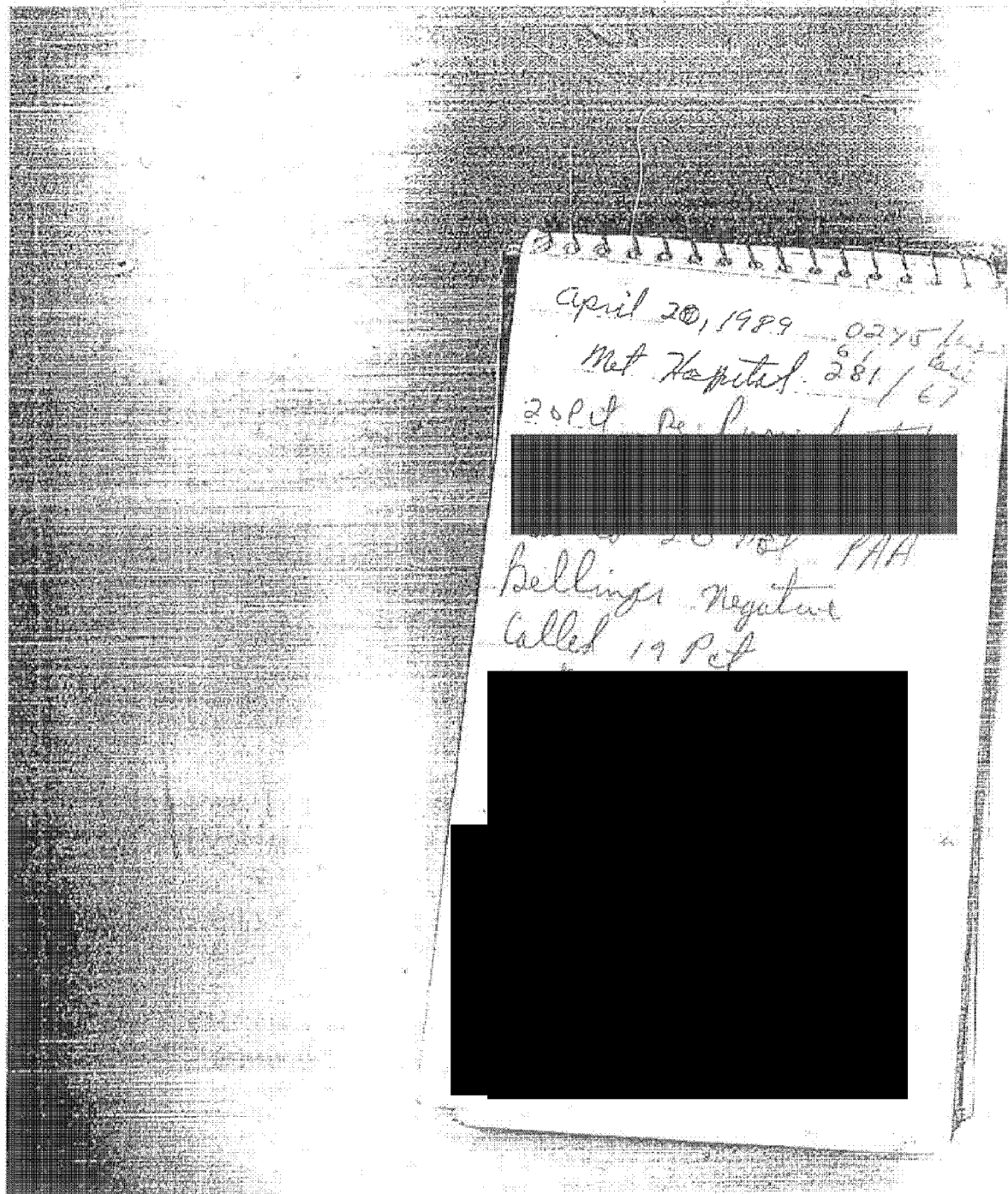


Farrell Exh. 2

NYC042243

NYCLD_058342

P-APP002343



NYC042244

NYCLD_058343

P-APP002344

[REDACTED]
Thomas, Clarence
m/B/4
[REDACTED]
Kevin Richardson 10/7/74 m/B
Jarmont m/call m/B [REDACTED]
Raymond Santana m/H 9/7/74
Steven Lopez m/H [REDACTED]
PO Reynolds 17810
CPP A/c

NYC042245

NYCLD_058344

P-APP002345

Clarence Thomas

Tele None

Gloria Thomas

housewife answered the test.

110th + 5th

Pole M/A-H/15 yrs.

2000 hrs at 110 + 7th

Anthony McCray

SP 5.117

met a group of guys
asked us to go to the
Park

NYC042246

NYCLD_058345

P-APP002346

went to park at 110th
 it East side walking
 south 2010 hrs
 someone throwing rocks
 at cars. Ralph M/B/15
 left ^{left Prostate}
 Schomburg Projects
 like chase or scare them
 9th 11th they started
 chasing on guy M/W
 who got away approx
 8 guys only returned
 the guy got away.
 Then there was another
 group of about 7 guys
 beating some guy M/W
 then these guys got

NYC042247

NYCLD_058346

P-APP002347

back together with us
and we started to leave
and go with to go
home. Then a green
Van turned into the
street and told us
not to run. Tripped
up and I stopped an
that's when the cops
caught me.

That man a M/W or H/
in the back of the
head in the middle
of the park he was
wearing dark blue coat

NYC042248

NYCLD_058347

P-APP002348

with grayest ^{shiny} points and
the man fell - ^{injury} fell M/B
teens dark ^{should} patched
blue jeans long trench
coat large had pipe
14 inches long with
tape - Name unknown
1/20 in at

Antion address
Antion also had the
pipe in was passing
it back and forth betw
the tall guys. Both
Charles & Mother present

NYC042249

NYCLD_058348

P-APP002349

Pointed out Antonio from
on [REDACTED] asked
about any other beating
talked about the
brown dirty guy with
blue jacket
Lamont and three
punched and kicked
the brown. Pulled him
over to curb. Did not
see who was hitting
the guy at the
Get Rivera
Moin

NYC042250

NYCLD_058349

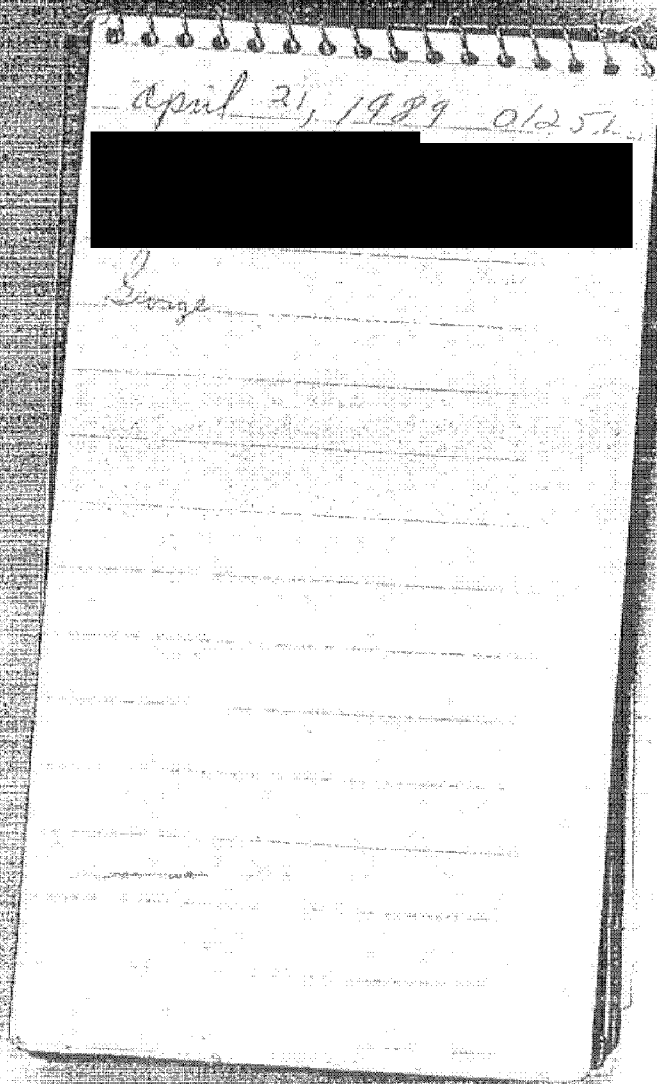
P-APP002350

1330 hrs to
Tennis Courts on
W 100th St and
Manhattan Ave & Columbus
C/o Columbus

NYC042251

NYCLD_058350

P-APP002351



NYC042252

NYCLD_058351

P-APP002352

1 People - Det. Arroyo - Direct - Lederer 2792
2 Hartigan for a period of about an hour or so, in that area,
3 where it was a question and answer, I had taken some notes
4 during that time period.

5 Q. During the time that you were asking him
6 questions, did you ask Steve Lopez who was with him in
7 Central Park on the night of April 19th?

8 A. Yes, I did.

9 Q. And did he tell you some of the people that he was
10 with that night?

11 A. Yes, he did.

12 Q. Do you recall who he told you he was with that
13 night?

14 A. I recall some of the names, but I have to refresh
15 my recollection though.

16 Q. If you have notes that would refresh your memory,
17 you may look at them.

18 A. Thank you.

19 Q. Does that refresh your memory as to the names of
20 people Steve Lopez said he was with in the park on April
21 19th?

22 A. Yes, that's correct.

23 Q. What are the names of the people he said he was
24 with?

25 A. Kevin, Yusaf, Antron, Lamont.

Joseph T. Tierney, CSR, RPR

1 People - Det. Arroyo - Direct - Lederer 2793

2 Q. With respect to the person named Yusaf, did he
3 give you any further information about Yusaf?

4 A. Yes, he did.

5 Q. What other information did he give you about
6 Yusaf?

7 A. He provided Yusaf -- his description.

8 Q. What description did he give you?

9 A. Male black, about sixteen, seventeen years of age,
10 attends Julia Richmond on 66th Street I believe. He also
11 provided Yusaf's address.

12 Q. What address did he give you for Yusaf.

13 A.

14 Q. Did he give you an apartment number?

15 A. Yes, he did.

16 Q. And what was that, do you recall?

17 A. I have to refresh my -- I have to look down.

18

19 Q. After you had had what you described as that
20 question and answer period, did you reduce what was said to
21 you into writing?

22 A. Yes.

23 Q. Would you describe, please, the process by which
24 you put in writing what Steve Lopez had said to you?

25 A. Well, basically it was question by question,

Joseph T. Tierney, CSR, RPR

1589

1 TAGLIONI - PEOPLE - DIRECT

2 Q And where did you go?

3 A I went to

4 Q Did someone direct you to go to that
5 location?

6 A Yes, I was directed to go there by my
7 supervisors.

8 Q Do you recall who it was that told you to go
9 there?

10 A I don't recall whether it was the lieutenant
11 or the sergeant.

12 Q What was your instruction with respect to
13 going to ?

14 A I was instructed to go to find a Yusuf
15 Salaam and ask him if he would accompany us into the
16 station house for questioning.

17 Q Did you go by yourself or did you go with
18 anyone else?

19 A I went with three detectives; Detectives
20 Freck, Bier, Hall, all from Manhattan North Homicide
21 Squad.

22 MR. BERMAN: Sorry, I couldn't hear the
23 names.

24 THE WITNESS: Detectives Freck, Hall and
25 Bier, B-I-E-R.

1590

TAGLIONI - PEOPLE - DIRECT

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Q What were your exact instructions with respect to Yusaf Salaam?

A To try to locate him and ask him if he would come into the station house for questioning.

Q Did you know for what reason it was desired that he should come to the 20th Precinct for questioning?

A Just in connection with the Central Park.

Q Did you know how it was that the supervisors who asked you to get him had gotten his name?

A No, I do not.

Q And did you know anything about what his connection to the Central Park investigation might be?

A No, I did not.

Q Where did you go when you went to

?

A I believe.

Q And what happened when you went to that apartment at ?

A I knocked on the door. A young lady-- excuse me, I don't know her name-- came to the door. I identified ourselves as police officers, detectives. She identified herself as Yusaf's

1591

TAGLIONI - PEOPLE - DIRECT

1
2 sister. I don't have her name, I don't know what
3 her name is.

4 Q Were you able to form a general impression
5 about her age?

6 A She appeared to be in her late teens.

7 Q And did you have a conversation with her?

8 A Yes, I did.

9 Q What, if anything, did you say to her?

10 A I asked her if-- did Yusaf live there and if
11 he was home. And she instructed me that he was not
12 at home.

13 Q And did she tell you that was his apartment
14 where he lived?

15 A Yes, she did.

16 Q What happened as you spoke to this woman at
17 ?

18 A As we were speaking to her, three males came
19 down the hallway. The apartment is down the end of
20 the hall. We stopped-- they were coming towards the
21 apartment. We stopped them. I asked them to
22 identify themselves. They did.

23 Yusaf identified himself as Yusaf Salaam. The
24 other gentleman, I believe he gave his name as
25 Kharey Wise. The name Kharey had come up in the

NYCLD_006908

P-APP002357

1592

TAGLIONI - PEOPLE - DIRECT

station house.

We were also told if we came across a Kharey-- I didn't know his last name-- we should ask him to accompany us to the station house.

Q When you say the name Kharey had come up in the station house, had that been mentioned to you when you were sent to ?

A Yes, by our supervisor.

Q Can you tell us what exactly was said to you with respect to Kharey Wise?

A If we did run across Kharey-- I didn't have Wise-- we should also ask him to accompany us to the station house for questioning.

Q Were you given, if you recall, a residence or address for the person that was identified as Kharey?

A I don't recall receiving an address on Kharey, no.

Q When you said that three males came toward you, who was the third person?

A I don't know the third person's name.

Q At the time did you learn his name?

A I know of his first name, Eddie; that's it.

THE COURT: What was that name?

1593

1 TAGLIONI - PEOPLE - DIRECT

2 THE WITNESS: Eddie.

3 Q When you said you saw these three males
4 coming down the hall toward you and you had a
5 conversation with them, how far from the doorway
6 where you were talking to the female did you have a
7 conversation with those three males?

8 A I'd say ten, no more than fifteen, feet.

9 Q And would you please tell us what
10 conversation, if any, did you have with Yusaf
11 Salaam?

12 A After he gave me his name, I asked him how
13 old he was, and he told me he was sixteen years of
14 age. I--

15 Q Let me just stop you for a moment.

16 When you saw Yusaf Salaam, would you say how he
17 appeared to you.

18 A He appeared to be older.

19 Q How was it that you formed the impression
20 that he was older?

21 A His appearance. He looked a lot older than
22 sixteen.

23 Q When you spoke to him, you said he gave you
24 his name. What else did you say to him and did he
25 say to you?

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1594

1 TAGLIONI - PEOPLE - DIRECT

2 A Well, when he told me he was sixteen, I
3 asked if he had any proof of that, because I thought
4 he was older.

5 Q What, if anything, did he say when you asked
6 for proof?

7 A He said he did have proof and displayed a
8 Transit card. I believe it was a school Transit
9 card.

10 MS. LEDERER: I would please ask that
11 this be marked as People's 14 for
12 identification.

13 (Card marked People's Exhibit 14 for
14 identification.)

15 Q Looking at People's 14 for identification,
16 do you recognize what that is?

17 A Yes, I do.

18 !/FR

19 Q And what do you recognize that to be?

20 A This is the card, the student card that
21 Yusaf handed to me in the hallway.

22 Q Does that card appear to be in the same
23 condition as when it was given to you in the
24 hallway?

25 A No, it does not.

1595

1 TAGLIONI - PEOPLE - DIRECT

2 Q How is it different?

3 A Well, Yusaf's name is still clear, but the
4 rest of the writing on there appears to be smudged
5 and fading.

6 Q Is the information that is written on the
7 back of People's 14 for identification the same as
8 it was when you saw it on the evening of April 20,
9 1989, when Yusaf Salaam showed it to you?

10 A Yes, it is.

11 Q And does People's 14 for identification,
12 does that reflect an age, a date of birth?

13 A Yes, it does.

14 Q What is the date of birth on People's 14 for
15 identification?

16 A 2/27/73.

17 Q May I see People's 14 for a moment.

18 (Handing.)

19 Q And is this the same bus pass he showed you
20 in the hallway on April 20, 1989?

21 A Yes, it is.

22 MS. LEDERER: At this time I offer
23 People's 14 into evidence.

24 MR. BURNS: May I see it?

25 (Handing.)

1596

1 TAGLIONI - PEOPLE - DIRECT

2 MR. BURNS: For purposes of this
3 hearing, I have no objection.

4 THE COURT: All right, mark it, please.

5 (People's Exhibit 14 received in
6 evidence.)

7 Q Other than asking his name and asking his
8 age and asking for proof of his age, did you have
9 any further conversation with Yusaf Salaam at that
10 time in the hall?

11 A Yes, I did. I asked him if he would
12 accompany us to the station house to talk to us
13 about the Central Park incident. He stated he
14 would.

15 Q And what happened after you had that
16 conversation with him?

17 A I took him in the elevator downstairs and to
18 the 20th Precinct.

19 Q Did you handcuff Yusaf Salaam?

20 A No, I did not.

21 Q Did you have your gun drawn at that time?

22 A No, I did not.

23 Q Who was with you at the time you had this
24 conversation with Yusaf Salaam?

25 A Detectives Hall, Bier and Andy Freck.

TAGLIONI - PEOPLE - DIRECT

1597

1 Q When you left the hallway of the
2
3 did anyone else go with you other than the
4 detectives you just named and Yusaf Salaam?

5 A No. There was seven of us and I wouldn't
6 allow more than seven people to get on the elevator
7 because I'm claustrophobic.

8 Q When you say there were seven of you, who
9 else are you referring to besides the four
10 detectives and Yusaf Salaam?

11 A Kharey Wise and the fellow known as Eddie.

12 MR. MOORE: I'm sorry?

13 THE WITNESS: I don't know the other
14 fellow's last name. All I know is Eddie.

15 Q Were you present or did you have any
16 personal conversation with Kharey Wise in the hall
17 of ?

18 A Other than asking him his name and age and
19 would he accompany us, no.

20 Q Did you personally say that to Kharey Wise
21 or did someone else say that to him?

22 A I believe Detective Freck asked Kharey if he
23 would accompany us.

24 Q And were you able to hear the conversation
25 he had with Kharey?

1598

TAGLIONI - PEOPLE - DIRECT

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A Yes, I was.

Q And what, if anything, did you hear Kharey say?

A That he would come into the station house with us.

Q And was Kharey Wise handcuffed at that time?

A No, nobody was handcuffed.

Q Where did you go when you left the ?

A Went down to the lobby and to our car.

Q How many cars did you have?

A We had two unmarked police cars.

Q And did you ride in one of the cars?

A Yes, I did.

Q Who did you ride with?

A Detective Hall and Yusaf Salaam.

Q And where did Yusaf Salaam ride in the car?

A In the back seat.

Q Do you know where Kharey went?

A Kharey went into the other unmarked vehicle with Detective Bier and Detective Freck.

Q Was Yusaf Salaam handcuffed when he rode in the car?

A No, he was not.

1599

1 TAGLIONI - PEOPLE - DIRECT

2 Q Did you have any conversation with Yusaf
3 Salaam on the way after you left

4 A No, I did not.

5 Q Did you hear any conversation between him
6 and anybody else in the car, the other detective?

7 A I don't recall it, no.

8 Q Where did you go?

9 A I went to the 20th Precinct.

10 Q And where did you go when you arrived at the
11 20th Precinct?

12 A When we arrived at the 20th Precinct, we
13 were directed to go upstairs to the third floor to
14 the Sex Crimes office.

15 Q Directing your attention to People's 4 in
16 evidence, the third floor of the 20th Precinct,
17 could you please step down from the witness stand
18 and approach People's 4 in evidence and indicate,
19 please, where you went with Yusaf Salaam when you
20 arrived.

21 A Okay. We took the stairway up to the third
22 floor. We entered the Sex Crimes office, which is
23 over here, and I took Yusaf into this room right
24 here in the Sex Crimes office.

25 MS. LEDERER: The record should reflect

1600

1 TAGLIONI - PEOPLE - DIRECT

2 the witness is indicating a small room off
3 of a longer room. It has three file
4 cabinets and something-- and one desk in
5 that room.

6 You may resume the witness stand. Thank
7 you.

8 (Witness complies.)

9 Q Now, what did you do when you arrived in
10 that room with Yusaf Salaam?

11 A I sat there and I waited for someone,
12 another detective to come to do the interview.

13 Q Did you have any conversation with Yusaf
14 Salaam while you sat there in that room with him?

15 A No, I did not.

16 Q Was he seated or standing?

17 A He was seated.

18 Q And approximately how much time elapsed
19 before the arrival of a detective to conduct an
20 interview?

21 A I'm not sure, but I'd say anywhere from
22 fifteen to twenty minutes.

23 Q And do you know the name of the detective
24 who arrived within that fifteen to twenty minute
25 period?

1601

1 TAGLIONI - PEOPLE - DIRECT

2 A Yes, I do. Detective Thomas McKenna from
3 Manhattan North Homicide.

4 Q Were you present when Detective McKenna came
5 into the room?

6 A Yes, I was.

7 Q Approximately what time was it-- withdrawn.
8 What, if anything, did he say or do when he came
9 into the room?

10 A When he came into the room, I introduced him
11 to Yusaf, told him who he was, Detective McKenna
12 from the Homicide Squad, that he would be talking to
13 him.

14 With this Detective McKenna also introduced
15 himself to Yusaf, read him his rights, and at that
16 point I left the office.

17 Q Were you present when the rights were read?

18 A Yes, I was.

19 Q And did you see whether they were read from
20 a card or were they given by memory?

21 A No, they were read from a card.

22 Q Were you present-- well, withdrawn.

23 When the rights were read, did Yusaf respond in
24 any way when the rights were read?

25 A Yes, he did.

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T14-fr

4762/89 *Vol. 2 of 18*
Hearing

COLLOQUY

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called by the People, having been first duly sworn, testified under oath as follows:

COURT OFFICER: Officer, please be seated.

In a loud, clear voice, state your name, full name, spell your last name, your shield number and present command.

THE WITNESS: My name is Police Officer Robert Powers, P-O-W-E-R-S. Shield 13732, Central Park Precinct.

THE COURT: Officer, you are going to have to talk directly into that microphone.

DIRECT EXAMINATION

BY MS. LEDERER:

Q On April 19, 1989, how long had you been assigned to the Central Park Precinct?

A A little bit less than two years.

Q And you were assigned to a particular unit within the Central Park Precinct?

A Central Park Precinct, Anti-Crime Unit.

Q On April 19, 1989, what tour of duty did you work?

A Four to twelve.

Q Who was your partner?

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New York Supreme Court
100 Court Street 17th Floor
New York, New York 10013
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A Officer Eric Reynolds.

Q Were you working on foot that night or were you in a vehicle?

A We were in a vehicle.

Q In what vehicle were you in?

A Green Parks Department van.

Q Who was driving?

A I was.

Q Approximately what time did you take meal that night?

A Approximately eight o'clock.

Q And at about what time was it that you finished meal and returned to duty?

A Nine o'clock.

Q What, if anything, did you hear over the radio when you returned from meal that night?

A At approximately 9:30 we heard a call for an assault at 102nd Street and the East Drive.

Q Was there any more information given in that communication that you heard?

A A group of seven hispanics.

Q Did you recognize the voice that put over that communication?

A No, I didn't.

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POWERS - PEOPLE - DIRECT - LEDERER

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Q What did you do when you heard that communication?

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A We responded to the area.

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Q The communication that you heard regarding that assault, was there any description about the age of the seven hispanics?

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A It was a group of seven hispanics approximately 15 to 17 years of age.

10

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Q And was any description made -- given as to the gender or sex of those people?

12

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A Seven males.

14

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Q What did you do when you received that communication?

16

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A We were canvassing the area, in other words, I mean to search the area for the group.

18

19

Q What area did you search?

20

21

Q Did you see anyone in that area?

22

23

A No, we didn't.

24

25

Q Did you see any police vehicles in that area?

A Yes, I did.

Q Do you recall whether you saw marked cars

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T14-fr

748

POWERS - PEOPLE - DIRECT - LEDERER

or scooters or cars from the Central Park Precinct
or other precincts?

A From the Central Park Precinct and from the
23 Precinct.

Q Did you see marked cars or unmarked cars?

A They were marked.

Q And approximately how many cars did you
see?

A I'm not really sure. A number of them.

Q You recall where you saw them?

A They were along the drive, the East Drive,
and inside the ballfield area.

Q When you were indicating inside the
ballfield area, could you please step down for a
moment and approach People's 7 in evidence and
indicate where it was that you saw the other
vehicles?

A Right in this area over here (Indicating).

MS. LEDERER: Indicating the northeast
portion of the ballfield and the west side
of the East Drive.

Q Where did you go after you responded to the
East Drive and 102nd Street?

A We were just searching around this area of

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POWERS - PEOPLE - DIRECT - LEDERER

the park (indicating).

Q When you were indicating the area again of the northeast portion of the ballfield area, were you driving on paths or on the grass or on roads?

A Either on the main road itself or on the footpaths which are paved.

Q Did you hear any other communications while you were canvassing that area?

A Yes, we did.

MS. LEDERER: You may resume your seat.

(Witness complies)

Q What was the next communication that you heard over the radio?

A I believe it was Central Park base stating that they had numerous callers for a large group of 30 or 40 teenagers.

Q Did that report give any reference as to the race of the people that it was describing?

A I believe it was male black and hispanics.

Q When you say Central Park base, what are you referring to?

A The Central Park Precinct has a radio at the base.

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POWERS - PEOPLE - DIRECT - LEDERER

Q When you say Central Park base, are you saying those radio communications came from within the Central Park Precinct?

A Yes.

Q Did that message or radio communication give a location for that group of 30 to 40 male blacks?

A I believe the second message, which was from the base, came about 100 Street and the East Drive.

Q Was there a description of the age of those people?

A I'm unsure.

Q When you were describing the Central Park base, are you familiar with -- withdrawn.

Is there a call box system within Central Park?

A Yes, there is.

Q Would you describe what that system is and how it works?

A It is a cellular phone which is -- they are placed throughout the precinct where people can call up and call directly to the precinct.

Q If someone picks up a call box within

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POWERS - PEOPLE - DIRECT - LEDERER

Central Park, where is that telephone answered?

A At Central Park precinct.

Q What happened with the information -- what are the choices that the Central Park Precinct has with respect to receiving that information?

A They can either put it over the radio themselves or they can call Communications and have the dispatcher put it over also.

Q When you say they can call Communications, is that 911?

A Yes.

Q At about what time was it that you heard the communication regarding the 30 to 40 male blacks -- excuse me, blacks and hispanics?

A About five minutes after the first call.

Q And do you recall approximately what time that would make it?

A 9:35.

Q Where did you go when you heard the call from Central Park base?

A It went a little further southbound to search the area along there.

Q Do you recall exactly -- when you say southbound -- do you recall exactly where you went?

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T15-1f

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POWERS - PEOPLE - DIRECT - LEDERER

A Not exactly.

Q All right. Was an area specifically mentioned in that radio communication you heard at 9:35?

A Not that I remember.

Q Approximately how long did you drive in that area in response to that communication?

A Another five or ten minutes.

Q Did you hear any other radio communications while you were doing that?

A There were a number of different radio communications based on the group, a large group.

Q What type of transmissions?

A I think the next one came from, also from Central Park base stating that the large group was 96th Street, on the bridge path.

Q And did you go to that location?

A Yes, we did.

Q Did that communication contain a description of the group?

A Just a large group.

Q Did it contain any mention of the race of the group?

A I'm not sure.

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POWERS - PEOPLE - DIRECT - LEDERER

Q Did it contain any mention of the age of the members of the group?

A I'm not sure.

Q Did it contain any reference to the gender of the group?

A All males.

Q What did you do when you heard that communication?

A We continued further south to canvas that area to see if we could find that group.

Q Where specifically did you go when you went further south?

A I'm not sure. We just traveled along the footpaths.

Q And what general area are you referring to?

A 96th Street and the East Drive.

Q Did you see anything when you went to that location?

A No.

Q Did you hear any other communications?

A The next one I believe was a Central Park scooter who stated that he was informed by a jogger that he was being harassed as he ran along the Reservoir somewhere about the tennis courts.

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POWERS - PEOPLE - DIRECT - LEDERER

Q Approximately what time did that communication come over the air?

A Not too much after the 96th Street call.

Q And was there description, if you recall, regarding the members of the group that had committed that assault?

A A group of hispanics and blacks.

Q Did it give any reference to sex?

A Teenage males.

Q And where did you go in response to that call?

A He headed back further north which is the tennis courts -- well, I should say west. I'm sorry.

We headed over west to the tennis court area where we once again didn't see anything.

Q When you say you didn't see anything, you referring to whether you saw any vehicles or any members of a group or any people resembling a group?

A I mean we didn't see anybody resembling a group.

MR. DILLER: Impossible to hear. He must speak slowly and loudly.

THE COURT: Officer, you have to talk

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T15-1f

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POWERS - PEOPLE - DIRECT - LEDERER

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directly into the microphone as close as

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you can, talk directly into it.

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Q After you were at the location you just described and you didn't see any group of persons resembling the group you were looking at, what, if anything, did you do?

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A We continued to search in the area of the north meadow thinking that maybe they went further north.

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Q Approximately how long did you search in that area?

14

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A Maybe another five minutes.

17

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Q What, if anything, did you do at that point?

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A We just continued to drive around.

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Q Did there come a time you exited the park?

A I don't believe so, no.

Q Did there come a time when you went to 100th Street and Central park West?

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A Yes.

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Q And approximately how long was it after you heard -- withdrawn.

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Had you heard any communications prior to leaving the park?

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A Yes, we did.

Q And what did you hear before you left the park? Before you went to 100th Street and Central Park West, did you hear any radio communications?

A Yes, I did.

Q What did you hear?

A There was a male jogger who was badly bleeding from the head at about 96th Street and the bridle path.

Q Did you receive any information from the person putting that communication over the air?

A Yes, I did.

Q Did you receive any information regarding how that person came to be injured?

A They -- at the time they believed he was either hit with a bat or a stick across the head.

Q Did you receive a description of the person or persons who struck that man?

A It was a description of four or five male blacks, teenagers, heading northbound.

Q Where were you when you heard that communication?

A I'm unsure at this time.

Q What did you do when you heard that

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POWERS - PEOPLE - DIRECT - LEDERER

communication?

A We headed towards that area.

Q When you say that area, where are you referring to?

A 96th Street and the bridle path.

Q And did you go to that location?

A We didn't get all the way down there, no.

Q What happened?

A We decided to go further north because we didn't see anybody in the park. And as we were going down, we knew they had to be further down by then.

Q And what did you do?

A We exited the park at 100th Street and Central Park West.

Q When you say you were heading south and then you decided to head north, where were you when you made the decision to change direction?

A Approximately 97th Street or 98th Street.

Q What did you do at that point?

A We turned the vehicle around and went back up north.

Q And where did you go when you headed north?

A To 100th Street and Central Park West.

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Q At the time that you -- how much time elapsed from the time you heard the call about the jogger with the head injury until you arrived at 100th Street and Central Park West?

A About 15 minutes.

Q And what, if anything, did you see when you got to 100 Street and Central Park West?

A Saw a group of about 15 male black and hispanic teenagers, 15 to 17.

Q Where did you see them?

A 101st Street and Central Park West.

Q What, if anything, did you see that group doing?

A They were just walking along.

Q Which direction were they walking?

A Northbound.

Q Which side of the street were they on?

A West side.

Q When you saw this group, could you describe -- withdrawn.

Q Was the group walking on the sidewalk or on the street?

A On the sidewalk.

Q Can you describe the formation of the group

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T15-1f

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1 POWERS - PEOPLE - DIRECT - LEDERER
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3 that you observed?

4 A They were just a group of kids walking
5 along.

6 Q When you say it was a group, was the group
7 spread out or was it densely packed?

8 A I would say densely packed.

9 Q Were the people in the group --

10 MR. RIVERA: Objection to "densely
11 packed," your Honor.

12 THE COURT: I will allow it.

13 Q Were you able to see the sex or gender of
14 the persons you saw in that group?

15 A Yes, I was.

16 Q What did it appear to you?

17 A They all appeared to be male.

18 Q When you looked at the group, were you able
19 to form an impression as to the race of those
20 people?

21 A Yes, I was.

22 Q What did you observe them to be?

23 A Black and hispanic.

24 Q And were you able to form an impression as
25 to the age of those people?

A Yes, I was.

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T15-1f

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POWERS - PEOPLE - DIRECT - LEDERER

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Q And what did the age of those people look to you?

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A Approximately 15 to 17 years.

6

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Q What did you do when you noticed them?

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A Started heading northbound, and at about 102nd Street, we turned off to the side where they were approximately -- they were approximately at 102nd Street, just a few feet away from 102nd Street.

12

13

Q Was there a reason that you turned off at 102nd Street?

14

15

A Well, we felt they fit the description, and we were planning on stopping them.

16

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Then Officer Flores came up behind us in a scooter, and we thought the group saw the scooter. So we wanted to get over as quickly as possible, before they fled.

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MR. RIVERA: Objection.

THE COURT: Just tell us what you were doing, what your thoughts were.

Q Officer Flores -- who was Officer Flores?

A She is a uniformed police officer in Central Park Precinct.

Q Was she working in uniform that night?

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A Yes, she was.

Q And the scooter that you made reference to, was that a marked police scooter?

A Yes, it was.

Q Where were you aware of that scooter in relation to your driving as you are driving north on Central Park West?

A It was just behind us.

Q Could you see the vehicle?

A In my mirrors, yes.

Q When you could see the scooter in your mirrors, where could you see Officer Flores in relation to your van?

A Just right behind us.

Q Would you describe the manner in which you pulled the van into 102nd Street?

A I made a very sharp turn across the double yellow lines to situation the van right between the two cross walks.

Q What, if anything, did you do when you did that or immediately after you did that?

A I jumped out of the car and said stop, police; and the group fled.

Q You said the group fled, what, if anything,

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T15-1f

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POWERS - PEOPLE - DIRECT - LEDERER

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3 did you see the people in that group do?

4 A They just had startled looks on their faces
5 and just ran.

6 Q Did everyone in the group run?

7 A No.

8 Q Would you describe who, if anyone, did not
9 run?

10 A Raymond Santana and Lopez.

11 Q Prior to that occasion, did you know
12 Raymond Santana or Steve Lopez?

13 A No.

14 Q And -- withdrawn.

15 When the group ran, were those two people
16 still remaining?

17 A Yes, they were.

18 Q What, if anything, did you do with respect
19 to those two?

20 A We grabbed them and put them up against the
21 wall.

22 Q When you say "we" who are you referring to?

23 A Myself and Officer Reynolds.

24 Q When the van pulled up, who was closer to
25 the group, yourself or Police Officer Reynolds?

A I was.

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Q And what did you do when you jumped out of the van?

A I identified myself as a police officer, and when the group began to flee, I grabbed the first person that I could grab.

Q And who was that?

A I'm not sure which one it was.

Q By the time you did that, where was Officer Reynolds?

A He was coming around the front of the van to catch somebody else.

Q At the time -- at the point at which you grabbed one person and two people were stopped, what, if anything, was said?

A One of the two stated that, "We weren't with the group. We weren't with those guys. We didn't do anything." And the other one said, "Yeah, they were going to jump us."

Q Do you know if it was Raymond SANTANA or Steven Lopez that said those two statements?

A Lopez stated the first one; and I believe Santana stated the second one.

Q Would you describe the demeanor of Steven Lopez at the time that he was stopped there?

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POWERS - PEOPLE - DIRECT - LEDERER

A They were kind of shocked.

MR. BURNS: I'm sorry, I didn't hear that. Shocked?

THE COURT: Shocked.

MR. BURNS: Shocked.

Q And what was the demeanor of Raymond Santana?

A Also shocked and nervous.

MR. RIVERA: Objection, your Honor to the characterization.

THE COURT: Describe what you mean by that. Describe how they appeared physically?

THE WITNESS: Just their eyes were popping out of their heads.

MR. BURNS: Did I miss something?

THE COURT: Eyes popping out of their heads.

MR. BURNS: Eyes popping.

Q How close were Raymond Santana and Steve Lopez when you pulled up and jumped out?

A Closer than you and I.

MS. LEDERER: For the record --

THE COURT: Twelve feet.

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POWERS - PEOPLE - DIRECT - LEDERER

MR. BURNS: Closer than; what does that mean?

THE COURT: Closer than where the District Attorney is and the officer; closer than that.

THE WITNESS: Approximately five feet.

Q You said that those two people were taken and put against the wall. What, if anything, happened next?

A Officer Flores was in pursuit in the three-wheel scooter.

Q Could you describe what you saw Officer Flores going on the scooter?

A She was heading southbound up Central Park West and then turned westbound on 101st Street.

Q What, if anything, did you do at that point?

A I started heading southbound on Central Park West also.

Q Prior to heading south on Central Park West, did you do anything with respect to Raymond Santana and Steve Lopez?

A No, I didn't.

Q Did you handcuff them?

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POWERS - PEOPLE - DIRECT - LEDERER

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A No.

3

Q Where did you go?

4

A Before I got to 101st Street, the group had turned around and they came back east along 101st Street and ran across Central Park West and started jumping over the wall back into Central Park.

8

Q Approximately how many people from the group did you see running back east on 101st Street?

10

A I would say about 10 or 11.

11

Q What, if anything, did you do when you saw them doing that?

13

A I gave pursuit. I jumped over the wall also.

15

Q If you would please step down, with the Court's permission, and approach People's 7 in evidence.

18

Could you indicate where you went over the wall and the route that you took after you exited Central Park again?

21

A I jumped over the wall approximately between 101st Street and 102nd Street, and the group was jumping over about 101st Street (indicating). And further down and some entered the park without jumping over. There is an entrance at 100 Street.

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POWERS - PEOPLE - DIRECT - LEDERER

(Indicating)

Q And where did you go when you entered the park?

A I ran down into this area, just south of the pool and the group was all -- they were scattered all throughout this area (indicating).

MS. LEDERER: Indicating the area north of 100 Street and south of the pool.

Q Would you please describe the course that you took as you continued?

A As I came over the wall I saw a youth with a red jacket running along the wall as I gave him pursuit. Another unit came up, the other half of my anti-crime unit came up and apprehended him.

Q You were indicating on People's 7 in evidence the route that the person in the red jacket took. Could you please indicate that with the pointer and describe what you're referring to?

A He was running along the wall and I was running behind. The Anti-Crime unit came up along this route --

Q Indicating came north on the West Drive and turned west on 100th Street?

A Right. They jumped out of the vehicle and

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POWERS - PEOPLE - DIRECT - LEDERER

also saw him running and apprehended him somewhere around 100 Street and Central Park West.

Q Do you know the name of who that person turned out to be that was apprehended at that location?

A Lamont McCall.

Q Where did you -- well, withdrawn.

Did you observe the other half of the Anti-Crime team apprehend Lamont McCall?

A Yes I did.

Q Where did you go after that?

A I noticed another two youths running eastbound and I gave chase to them also.

Q And where did you chase those two people?

A Across the drive, and they were apprehended right about here, somewhere. There's a ballfield over here.

Q Indicating -- Can you indicate a general location and describe where it is with respect to the words, "North Meadow" on that map?

A Northwest of this right here.

Q Of the writing, "North Meadow"?

A Yes.

Q During the time you were in Central Park,

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pursuing these people, did you have your radio with you?

A Yes, I did.

Q Were you broadcasting your pursuit?

A Yes, I was.

Q As you ran into the North Meadow by the ballfield, did you catch anyone?

A Yes, I did.

Q Will you describe how it was you came to catch someone?

A There's a rock formation right over here, quite a large rock formation --

Q Indicating again above the word "North" in North Meadow.

A As I was running behind, I was gaining on one of the suspects and I dove on him from behind with a closed fist and came around and caught him -- like kind of punched him in the face, trying to -- you know, get him to the ground.

Q When you indicated what you were doing, you came from behind this person, and you were indicating with your right hand a motion. You had your hand closed?

A Yes, I did.

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Q Would you describe exactly what it was that you did in order to apprehend or tackle that person?

A I was trying to get around his neck, and I missed, and I was a little high and I caught him in the face.

Q What happened as you did that?

A We both went down.

Q And what did you do when you came down with that person that you were chasing, that you grabbed?

A I grabbed him and placed him in handcuffs.

Q You may resume the witness stand.

(Witness complies)

Q As you were doing that, you indicated -- as you were describing how it was how you came to apprehend the person you were pursuing in Central Park, you indicated you were using -- was that your right hand?

A Right hand, yes.

Q And as you were coming behind the person, on what side of the person you were chasing, did your hand come around?

A His right cheek.

Q And is that when you said you connected with him? Did you connect with his right cheek with

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1 POWERS - PEOPLE - DIRECT - LEDERER
2 your right hand?

3 A Yes, I did.

4 Q What was the name of that person?

5 A Kevin Richardson.

6 Q At the time -- as you went through what you
7 just described to catch him, you fell down?

8 A Yes.

9 Q And did you fall also?

10 A Yes, I did.

11 Q What did you do next?

12 A I turned him around near the rock and
13 handcuffed him.

14 Q When you say you turned him around, what do
15 you mean?

16 A FAcE his face towards the rocks.

17 Q Did you have your gun drawn at the time?

18 A No, I didn't.

19 Q And was there anyone else pursuing any one
20 in the area where you were?

21 A Yes, there was. Officer Hennigan was with
22 me and Officer Kozmalski was on the scooter and he
23 kind of corraled the suspect.

24 Q Do you know the name of that person?

25 A That was Clarence Thomas.

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Q When you say Officer Hennigan was with you,
at what point did Officer Hennigan join you?

A She was a little bit behind me.

Q During the chase of Kevin Richardson?

A Yes.

Q At the time you caught Kevin Richardson,
was she with you?

A No, she wasn't.

Q What did you do after you handcuffed Kevin
Richardson?

A I waited for Officer Kozmalski to make sure
he got Clarence Thomas under cuffs -- in cuffs.

Q And then what did you do?

A We called for another unit to come over.

Q Did someone respond to you?

A Sergeant Carabetta and his operator.

Q And where did Sergeant Carabetta appear?

A To the North Meadow.

Q Did he drive onto the Meadow where you
were?

A Yes, he did.

Q And what, if anything, did you do when
Sergeant Carabetta arrived?

A We placed Kevin Richardson and Clarence

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Thomas in the car.

Q And did anyone else get in that car?

A Yes, I did.

Q Was that a marked radio car?

A Yes, it was.

Q After you placed Kevin Richardson and Clarence Thomas in that car, who -- who else was in that car?

A Officer Sullivan and Sergeant Carabetta.

Q And yourself?

A And myself.

Q Will you describe where everyone was seated in the car?

A Myself and Kevin Richardson and Clarence Thomas were all in the backseat.

Q And in what relation were the three of you sitting, one to the other?

A I know I was behind the operator and I don't know how the other two were situated.

Q And Kevin Richardson was handcuffed at the time?

A Yes.

Q Who sat in the front?

A Sergeant Carabetta and Officer Sullivan.

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POWERS - PEOPLE - DIRECT - LEDERER

Q What happened after everyone was in the car?

A Clarence Thomas began to cry and stating "I know who did the murder. I know who did the murder. I know where he lives and I'll tell you his name."

Q Prior to Clarence Thomas saying that, had you asked him any questions?

A No, I didn't.

Q Did he say anything further to you at that time?

A Kevin Richardson also stated that he knew who did it. He said, "Yeah, I know who did it, and I'll tell you also." And then Clarence stated it was Antron McCray. "He lives at

," and the Kevin Richardson stated "Yeah, that's who did it."

Q Did either of them say anything else to you?

A Clarence also stated he knows the pipe that he used. He said he put it at 97th Street and Central Park West, near the projects.

THE COURT: who said that?

THE WITNESS: Clarence Thomas.

Q Were those statements while the vehicle was

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moving or while it was still stationary?

A While we were enroute to 100 Street and Central Park West.

Q What happened when you arrived at 100 Street and Central Park West?

A I informed my sergeant of the statements that the two made.

Q When you say you informed your sergeant, to whom are you referring?

A Sergeant Laile.

Q And where did you inform him of those statements?

A At 100 Street and Central Park West.

Q Were you still in the vehicle at that time?

A No, I had gotten out.

Q Was Kevin Richardson still in the vehicle?

A Yes, he was.

Q And was Clarence Thomas still in the vehicle?

A Yes, he was.

Q Was there a discussion at 100 Street and Central Park West regarding a show-up?

A Yes, there was.

Q Do you recall what was said and who said

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it?

A Sergeant Laile and Sergeant Carabetta and Sergeant Wheeler were together and discussed how they were going to try and get together a show-up with the complainant that was hit in the head at 96th Street.

Q And was it possible to do a show-up?

A No, it wasn't possible.

Q How long did you remain at -- withdrawn.

Did there come a point that you went back to 102nd Street and Central Park West?

A Yes, there was.

Q Approximately how long after you arrived at 100 Street and Central Park West did you go to 102nd Street and Central Park West?

A Approximately ten minutes.

Q What was the reason you went back to 102nd Street and Central Park West?

A My partner, Officer Reynolds was back with the van, which I had the keys, so I had to pick him up and the van.

Q And after you returned to 102nd Street and Central Park West did you return to 100 and Central Park West again?

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T16-fr

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POWERS - PEOPLE - DIRECT - LEDERER

A Yes, we did.

Q And approximately how much time went by?

A I really don't know.

Q From the time you first arrived at 100 Street and Central Park West until you left 100 Street and Central Park West to go to the Central Park Precinct, how long were you at that location, at 100 Street and Central Park West?

A Approximately a half-hour.

Q At that point did you return to the Central Park Precinct?

A Yes, we did.

Q How did you get there?

A I drove the van with Officer Reynolds.

Q And do you know how Kevin Richardson got to the Central Park Precinct?

A He went with Officer Sullivan and Sergeant Carabetta.

Q At any time at 100 Street had he been taken out of that car?

A No.

Q Do you know how Raymond Santana and Steve Lopez got to the Central Park Precinct?

A No, I don't.

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T16-fr

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Q What happened when you arrived at the Central Park Precinct?

A We brought all five of the people in front of the desk, the Central Park desk.

Q When you say "the desk", is that the desk sergeant at the Central Park Precinct?

A Right.

Q And how long were you before the desk sergeant?

A I was only there for about five minutes.

Q What was the purpose of going before the desk sergeant?

A For everything to be logged for pedigree information.

Q You said that you were only there for approximately five minutes.

What, if anything, did you do after those five minutes?

A I took everybody's phone number and somebody's name. Who they can be reached, so I can contact family members.

Q Where did you go -- withdrawn.

After you took -- did you take that information from each of the five suspects?

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T18-fr

825

1 POWERS - PEOPLE - CROSS - BERMAN

2 A That's right.

3 Q Did you have notes that you wrote them from
4 or you just wrote them entirely from your memory?

5 A Entirely from my memory.

6 Q Was your memory clear about these or was
7 that the best you could reconstruct them three and a
8 half weeks later?

9 A I would say it was pretty clear.

10 Q Is it fair to say that by May 11th that you
11 knew this was a pretty important case?

12 A Yes, it's a very important case.

13 Q Is it also fair to say that according to
14 you all these statements were made before 2:30 in
15 the morning on the morning of April 28th, isn't that
16 right?

17 A That's right.

18 Q And is it fair to say you didn't know
19 anything about a female jogger until at least until
20 after 4 a.m. that morning?

21 A That's right.

22 Q Is it fair to say that when these
23 statements were allegedly made the case was not all
24 that important?

25 MS. LEDERER: Objection.

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P-APP002402

T18-fr

826

1 POWERS - PEOPLE - CROSS - BERMAN

2 THE COURT: Objection sustained.

3 Q You testified about either arresting or
4 being present when three youths were arrested in the
5 park that night; correct?

6 A That's correct.

7 Q And two of those then traveled in a car
8 with you for a while?

9 A That's right.

10 Q And I think you testified that they made
11 various statements while in that car?

12 A That's right.

13 Q Again, none of which were in response to
14 questions by you; is that right?

15 A That's right.

16 Q Did any of those, who were in the car with
17 you, any of those youths say anything about Steve
18 Lopez?

19 A Nothing that I wrote down.

20 Q Nothing that you wrote down then or ever;
21 is that right?

22 A That's right.

23 Q And in the entire time you were in the
24 precinct, did any of the youths say anything about
25 Steve Lopez?

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1 SUPREME COURT OF THE STATE OF NEW YORK
2 COUNTY OF NEW YORK : CRIMINAL TERM : PART 59
3 THE PEOPLE OF THE STATE OF NEW YORK

4 -against-

5 RAYMOND SANTANA, KHAREY WISE, YUSAF SALAM,
6 ANTRON McCRAY, KEVIN RICHARDSON, STEVE LOPEZ,
MICHAEL BRISCO,

7 Defendants.

8 October 13, 1989

9 B E F O R E:

10 HONORABLE THOMAS B. GALLIGAN, J.S.C.

11 (Appearances as heretofore noted)

12 * * * * *

13 COURT CLERK: Indictment 4762 of 1989,
14 Kharey Wise, Yusaf Salam, Antron McCray,
15 Kevin Richardson, Steve Lopez, Michael
16 Brisco, and Raymond Santana; continued
17 hearing.

18 (Whereupon, counsel for the defendants
19 gave their appearances.)

20 THE COURT: Are we ready to resume?
21 It is now 10:25. This matter was set down
22 for 10:00. The usual starting time is
23 9:30. I agreed to start at 10:00 for
24 counsel's convenience so they could take
25 care of other matters. I would advise

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COLLOQUY

counsel to be here at the time scheduled,
10:00 in the morning.

Ready to proceed?

MS. LEDERER: Yes, your Honor.

Prior to calling People's next
witness, Officer Reynolds, there is
additional Rosario materials to be turned
over. And I have prepared a packet of the
pages for each attorney: one page of hand-
written notes for Officer Reynolds; one
page, hand-written copy of UF-61, the typed
copy having been turned over; on-line
booking sheet, one copy of which has been
turned over already. (Handing to Defense
Counsel)

MR. MOORE: Your Honor, my only
request is that in the future, the District
Attorney not release documents on an
installment basis, but to do it at one
particular time so that we may maintain the
flow and logic of preparation.

THE COURT: Okay. Who is your next
witness?

MS. LEDERER: Officer Reynolds.

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COLLOQUY

P. O. E R I C R E Y N O L D S, Shield 17510,
Twenty-third Precinct Robbery Unit, New York
City Police Department, called as a witness by
the People, having been first duly sworn,
testified under oath as follows:

COURT OFFICER: In a loud, clear
voice, state your full name for the record,
spelling your last name; your shield
number, and present assignment.

THE WITNESS: Police Officer Eric
Reynolds; R-E-Y-N-O-L-D-S; Shield 17510,
23rd Precinct Robbery Unit.

THE COURT: All right.

DIRECT EXAMINATION

BY MS. LEDERER:

Q Officer Reynolds, on April 19, 1989, where
were you assigned?

A Central Park Anti-Crime Unit.

Q What tour of duty were you working on that
day?

A Four p.m. to midnight.

Q And did you have a particular assignment
within the Central Park Precinct?

A Yes, Anti-Crime duties.

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T1-1f

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REYNOLDS - PEOPLE - DIRECT - LEDERER

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Q What are the duties of the Anti-Crime unit?

A That is to make arrests for any kind of crimes in progress while working in civilian clothes.

Q Does that mean you don't work in uniform?

A That's correct.

Q And that night of April 19, 1989, were you working on foot, or were you in a vehicle?

A I was in a vehicle.

Q What type of vehicle were you in?

A It was a green Parks Department vehicle. It was a van.

MR. MADDOX: I can't hear.

THE COURT: Green Parks Department vehicle.

Q Did you work with a partner on that date?

A Yes, I did.

Q Who was your partner?

A Police Officer Powers.

Q Did there come a time on the evening of April 19, 1989 that you heard a radio communication regarding activity in Central Park?

A Yes.

Q At what time did you hear such a

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NYCLD_023070

P-APP002407

T1-1f

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 communication?

3 A It was approximately 9:30.

4 Q What was the radio communication that you
5 heard at that time?

6 A Disorderly males in the park, harassing
7 people.

8 Q When you heard that communication, was
9 there a communication give for where that this
10 orderly group was?

11 A It was approximately, I believe, the west
12 side of 100th Street.

13 Q Do you recall where you were when you heard
14 that?

15 A I believe I was on Central Park West headed
16 northbound.

17 Q Where did you go after you heard that
18 communication?

19 A The north end of the park.

20 Q Who was driving that night?

21 A Officer Powers.

22 Q When you say you went to the north end of
23 the park, where did you go?

24 A We went to the location specified. We went
25 in that area to canvas.

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P-APP002408

T1-1f

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REYNOLDS - PEOPLE - DIRECT - LEDERER

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Q What area did you go to?

A The East Drive -- West Drive up on the north end, around 102nd Street.

Q Do you recall whether you went to the east side or the west side?

A I started at the west side, and went from the west to the east side.

Q Were you directed to go to the east side?

A Yes, I believe so, yes.

Q When you say you were canvassing the area, what does that mean?

A It means we were searching for people described in the radio run.

Q What route did you take to go to the location of the East Drive on 102nd Street?

A We went north on Central Park West and then into the park.

Q Where did you go into the park?

A I believe it was either 90th Street or 100th Street.

Q And when you entered the park, did you drive on the roadway or any of the paths?

A We did both. We traveled along the roadways, and then we went along some of the paths.

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P-APP002409

T1-1f

327

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q Did you arrive at the East Drive in the
3 area of 102nd Street?

4 A Yes.

5 Q What, if anything, did you see at that
6 location?

7 A Really nothing in the beginning.

8 Q Did you see anything resembling the
9 disorderly group?

10 A No.

11 Q Did you see any police vehicles?

12 A Yes.

13 Q Do you recall what you saw?

14 A I saw a couple -- several Central Park
15 Police vehicles and vehicles from the 23rd Precinct,
16 and the Manhattan North Task Force.

17 Q Were those marked radio cars?

18 A Yes.

19 Q Did you have a conversation with any of
20 those people?

21 A I had a couple of conversations, yes.

22 Q At that time when you first arrived, did
23 you speak to any of these people?

24 A We might have had a passing conversation,
25 you know, just asking if anybody had seen anything.

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T1-1f

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REYNOLDS - PEOPLE - DIRECT - LEDERER

MR. MADDOX: Object (inaudible).

THE COURT: Just tell us what conversation you had.

THE WITNESS: I asked if anybody had seen anything.

Q What did the people you spoke to say?

A Nobody had seen anything at that point.

Q The first communication you heard, did that give any kind of description in the park?

A I believe it was seven to eight males, the very first one.

Q Did it give any description, race?

A I believe it was male blacks.

Q Are you sure?

A I'm not quite sure.

MR. MADDOX: Objection, your Honor.

MR. RIVERA: Objection.

THE COURT: I will allow it.

Are you sure?

THE WITNESS: No, I'm not sure.

Q Did you hear any other radio communication after that first communication?

A Yes.

Q What was that communication?

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P-APP002411

T1-lf

329

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A That there were approximately, I believe,
3 20 to 30 male blacks harassing and assaulting people
4 in the park.

5 Q And do you recall at approximately what
6 time you heard that radio communication?

7 A Do you mind if I look at my notes to
8 refresh my memory?

9 THE COURT: If you have to, you may.
10 Just tell us what you are using to refresh
11 your recollection.

12 THE WITNESS: It is a piece of paper
13 that I wrote down with the, you know, the
14 times.

15 MR. BERMAN: Judge, if I may, this
16 speaker, even when there's no talking,
17 makes such a loud noise we can't hear your
18 Honor talking.

19 A It was about a quarter to ten.

20 Q And do you recall where you were when you
21 heard that communication?

22 A Well, I was in the north end of the park.
23 It might have been at 102nd Street and the East
24 Drive.

25 Q How long did you stay at 102nd Street and

10/13/89

T1-1f

330

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 the East Drive?

3 A Not long.

4 Q After you received that second
5 communication, where did you go?

6 A Again, we --

7 MR. MOORE: Objection.

8 THE COURT: No, I'll allow it.

9 Go ahead. He was with somebody, he
10 already said that.

11 A (Continuing) We started to ride around the
12 park again to do a further canvas.

13 Q What area of the park were you driving
14 around in?

15 A The north end.

16 Q Would you indicate did you drive on the
17 road or paths? Where did you go?

18 A We did both. We tried to concentrate on
19 the paths because we didn't see anything.

20 THE COURT: You can tell us where,
21 when you say "we" you are talking about
22 driving around in the car; but tell us only
23 what you saw, talking about what you saw
24 unless somebody said something. All right.

25 Q Did you see anything during the time that

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